



DEPARTMENT OF PLANNING, ZONING & CODE
 45 BEACON STREET, EAST
 ☎603-527-1264
 📠603-524-2164

City of Laconia Planning Board
 Staff Review for Planning Board Meeting of August 3, 2021

Prepared by Robert Mora, Assistant Planner

<p>STREET ADDRESS: 264 Lakeside Ave. AGENT/APPLICANT: Anthony Santagate OWNER: SHAIJAX CO LLC APPLICATION: PL2013-0100SP AMEND 2</p>	<p>PROJECT DESCRIPTION: Proposal to Amend original approval to allow for indoor live music & DJ until close at 1 AM. MAP/STREET/LOT #: 145-127-34 ZONING DISTRICT(S): Commercial Resort (CR)</p>
---	---

Previous Board Action: The Board approved a temporary amendment to the hours of operation at the May 4, 2021, meeting with the condition that a sound consultant reviews the improvements made to the building to reduce sound originating inside the building. The report from the sound consultant is available. The board needs to decide if the improvements made to reduce outside sound warrant full approval of the amended site plan and allow hours of operation that would be similar to any other like establishment in the city or whether the location of the business is unique enough to warrant continued special conditions.

As a reminder the Board included the following items in May, which may or may not still be applicable:

1. The applicant will pay for a Third-Party Review by a contractor selected by the City to:
 - (a) Conduct measurements both within the venue and at several locations in the surrounding community during a live performance in the venue. From these measurements, they will be able to calculate maximum sound levels within the venue corresponding to limits in the community. Planning Board to clarify where “There shall be no noise from this commercial establishment that is plainly audible at a distance of 50 feet from the lot line”.
 - (b) Provide specifications for a real-time sound monitoring system that will alert venue staff when levels approach or exceed these limits and assist with installation and validation measurements. The sound data needs to be stored and be accessible to City Staff upon request.
2. Install a real-time sound monitoring system that meets the requirements as identified by the Third-Party Review Contractor

Staff Recommendation: Should the Board grant conditional approval, staff recommends amending the Notice of Action – from the Meeting of February 5, 2013, section 2. Other Conditions to **ADD** the following:

II. RECOMMENDED CONDITIONS SPECIFIC TO THIS APPLICATION

1. OTHER CONDITIONS:

1. Sufficient Dumpsters must be located on-site for the volume of waste generated. A solid fence or vegetation must screen dumpsters.
2. Recycling must be removed from the site and delivered to the recycling center on Messer Street. It shall not be stockpiled on site.
3. On-site stormwater structures in any shall be maintained per the recommendation of the manufacturer, including cleaning and inspection, to ensure proper function. If no manufacturer's recommendation exists, cleaning shall occur no less than twice a year.
4. All remaining conditions from February 5, 2013 approval still apply.

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.

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.

All requests for extension must be submitted in writing to the Planning Department no later than noon on the Wednesday prior to the deadline with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.



RECEIVED Application(s) #: 2013-0605P and 2

JUL 22 2021

Fees Paid:
Planning/Zoning Check #:
City of Laconia Receipt #:

Blank lines for fees and receipts

PLANNING BOARD APPLICATION

Project Name: Tower Hill upstairs

Project Address: 264 Lakeside Ave

Tax Map/ Lot # (s): 145-127-34 Zoning District (s): CR Parcel Size Acres: .42

Number of Lots: 1 Total Developed Land Area: Building(s) and/or additions Total Sq. Ft. 1

Submittal Request (Check all that apply):

- Alternative Parking CUP, Amendment, Boundary Line Adjustment, Boundary Line Agreement, Change of Use, Cluster Development CUP, Cluster Subdivision, Condominium Subdivision, Conventional Subdivision, Discretionary Easement, Marinas and Yacht Club CUP, Minor Site Plan, Performance Zoning CUP, Site Plan (Commercial), Site Plan (Multi-family), Steep Slope CUP, Wetland/Wetland Buffer CUP, Other

Proposal Description: Sound mitigation for upstairs of Tower Hill Tavern

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.

Sign as appropriate (If agent or non-person please attach certification)

NOTE: Please attach an Applicant Contact Worksheet

Signature lines for PROPERTY OWNER 1, PROPERTY OWNER 2, and AGENT / APPLICANT with printed names and dates.

July 26, 2021

Dean Trefethen
Planning Director
City of Laconia
45 Beacon Street E
Laconia, NH 03246

SUBJECT: Tower Hill Tavern – Interim report

Dear Dean,

Since the May 4, 2021 planning board hearing, I have visited Tower Hill Tavern on two occasions to inspect the upgrades to the building and to conduct sound level measurements.

During first site on July 6, I observed the following conditions in the second-floor venue:

- A vestibule had been constructed between the venue and door the to the back deck at the end of the building closest to Tower St. This had been completed earlier that day. The intent of this vestibule is to reduce sound emitting from the exterior door when opened.
- On the Lakeside Ave. side of the building, the original openings with hinged plywood covers are being replaced with fixed (inoperable) windows. Four of these windows have been installed. I understand the rest have been ordered.
- The underside of the roof has been treated with thermal spray-applied foam insulation.

My intention during this visit was to conduct measurements of the relative sound levels between the interior and various exterior locations. For example, if the sound level in the venue is 90 dBA, there is some corresponding lower sound pressure level at the property line. This information can be used to estimate community noise exposure based on measurement equipment within the venue.

These tests were inconclusive. We were unable to generate enough sound within the venue to measure the sound level outdoors. The high ambient sound levels in the vicinity of the venue (mechanical equipment, traffic, etc.), combined with the building upgrades made the test signal indistinguishable outside of the building.

My second site visit was during a karaoke event at the venue on July 23. I was at the site from approximately 10:30 to 11:30 pm. Again, sound levels from the music being

played in the venue were similar to other sound sources in the environment, particularly air conditioners and other mechanical equipment. Levels at the public parking lot behind the venue were similar with or without music playing.

I observed the following:

- At the intersection of Tower St. and Maple St., the music was barely audible.
- 150 ft west along Tower St., in the vicinity of the Lakeview Inn, music was inaudible.
- 150 ft. north along Maple St., in the vicinity of the Maple Moose Lodge, music was inaudible. At this location, music from The Big House was barely audible.

At all locations, the loudest sound related to Tower Hill Tavern was voices of patrons on the back deck.

During the May 4 Planning Board meeting, I proposed that a sound level monitoring system be installed in the venue. However, based on my observations and attempts to measure noise from the venue, that seems to be unnecessary and impractical. The upgrades to the building are working as intended, resulting in low exterior sound levels.

I plan to attend the August 3 meeting and will be happy to answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Reuter", with a long horizontal flourish extending to the right.

Eric L. Reuter, INCE Bd. Cert.
Principal