



**City of Laconia**  
**Zoning Board of Adjustment**  
Monday, December 20, 2021 - 6:30 PM  
City Hall in the Armand A. Bolduc Council  
Chamber

12/20/2021 - Minutes

1. CALL TO ORDER

S. Bogert called the meeting to order at 6:33 PM

2. ROLL CALL

Present: S. Bogert; G. Ober, M. Foote; R. Maheu; M. Hayward; J. LaRoche (6:35PM)

Absent with notification: M. Dellavecchia

M. Hayward was seated as a voting member.

3. RECORDING SECRETARY

K. Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

D. Trefethen, Planning Director

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. November 15, 2021 Zoning Board Of Adjustment Minutes (PDF)

M. Hayward noted one correction on page 4; abutter was shown as "Frank Bean", it should be "Craig Bean".

G. Ober made a motion to accept the minutes of November 15, 2021 with the name correction.

M. Foote seconded the motion.

All in favor (5-0)

6. EXTENSIONS

6.I. ZO2019-0021EXT 614 Endicott St E Solar Garden Extension Request (PDF)

Clarke Fenner, of New England Solar Garden, outlined the request for the extension. He explained that since the new legislation regarding the allowed megawatts has been signed by the Governor this year,

the project is now viable. They noted that they have outside permits in place and they are ready to go. Clarke Fenner noted that the only potential issue that might delay the start of the project is a requested change in point of interconnection by Eversource. He did clarify that this would be a delay, not shut down the project, to change the location of interconnect would require four poles to redirect the wires to the new interconnection location. In response to a question by the board he noted it is a 2.9 megawatt facility.

G. Ober made a motion to approve extension request ZO2019-0021EXT 614 Endicott St E Solar Garden.

M. Foote seconded the motion.

Extension request to June 30, 2022

All in favor. (5-0)

7. 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.

7.I. ZO2021-0059VAR 522 Leighton Ave N Variance Application (PDF)

The applicant, Frank Bechart, addressed the Board. He noted that they are seeking relief from both the front setback and the shoreland setback. The Board asked if the project was the entire proposed footprint, not phased. The applicant explained that it is the whole proposed project, including the garage.

It was noted that the application will be reposted to reflect the front setback variance request as it is only reflecting the shoreland buffer impact.

G. Ober made a motion to table application ZO2021-0059VAR 522 Leighton Ave N. Variance to the January 18, 2022 meeting.

R. Maheu seconded the motion.

All in favor (5-0)

7.II. ZO2021-0060SE 23 Summit Ave Special Exception Application (PDF)

It was noted that the applicant has requested that the application be continued to the January meeting as they are awaiting a decision by NH DES.

S. Bogert made a motion to continue application ZO2021-0060SE 23 Summit Ave Special Exception to the January 18, 2022 meeting.

G. Ober seconded the motion.

All in favor (5-0)

7.III. ZO2021-0061VAR 133 Leighton Ave S Variance Application (PDF)

David Eckman, of Eckman Engineering, outlined the application to the Board. The main house footprint is nearly the same, the large wraparound deck changes the footprint within the 50 foot buffer. The Board asked if the proposed deck/porch is enclosed, the general contractor's representative noted that

it is not enclosed it is open. D. Eckman noted that they are reducing other areas of impervious coverage (walkways, patio, etc) to improve the lot.

At 7:12 PM S. Bogert opened the public hearing.

At 7:12 PM with no one to speak for or against the applications, S. Bogert closed the public hearing.

G. Ober made a motion to approve application ZO2021-0060VAR for a variance from Article IV Section 235-19 Shoreland Protection to allow for the demolition and reconstruction of a single-family home with a wraparound deck located in the Shoreland Protection Overlay District and within the 50' waterfront buffer.

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

Granting the variance would not be contrary to the public interest, the intent of the ordinance is protect the water and this application has no additional impact on the shoreline.

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

The spirit of the ordinance is observed, the proposed project is slightly less non-conforming and the total amount of impervious surface is only slightly increased.

3. Granting the variance would do substantial justice because:

Granting the variance would do substantial justice as it allows the homeowner to make improvements to his property and increase its functionality. The benefit to the applicant is equivalent to the benefit of the public.

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

Granting the variance will not have a negative impact on the values of surrounding properties. It is an improvement and is consistent with the neighborhood.

5. Unnecessary Hardship:

The existing home has been in the same location since the 1880's due to the topography. Due to the age of the home, replacement is the best option. The project is a reasonable one and is consistent with other recently improved homes in the neighborhood.

Condition of Approval: All state and local permits are applied for and received.

M. Foote seconded the motion.

All in favor (5-0)

## 8. OTHER BUSINESS

S. Bogert addressed the Board regarding points of order during the meeting and sidebar discussions during the meeting.

D. Trefethen informed the Board that, as was expected, the applicant for 33 Clearwater Place has filed an appeal of the Board's decision with the NH Housing Appeals Board. He noted this is a fairly new appeals board; he also noted that the return of record has been prepared and will be sent to the City's legal representative.

The Board extensively discussed that the Planning Department has a proposal to revise the Short Term Lodging (STL) ordinance to make it a staff approval, and remove the Zoning Board from the process. D. Trefethen noted that if it were approved by staff that an abutter still has the ability to appeal the decision to the Zoning Board.

G. Ober commented that the Master Plan Steering Committee has also recommended making the Accessory Dwelling Unit (ADU) applications an administrative approval versus having to go the Zoning Board.

R. Maheu noted that the most restrictive portion for STL is the five year requirement for grandfathering in residential zones. G. Ober noted that STL is not currently allowed in residential zones. S. Bogert compared STL to having a brothel or weekend hotel in the neighborhood and that the abutters should have the ability to voice their concerns.

M. Hayward asked if someone speaks about a STL application that is not a direct abutter, what impact would it have on the application.

D. Trefethen explained that if you go to the AirBnB or VRBO platforms there are about 300 properties that do STL in Laconia. Currently there are approximately 80 issued permits. He did note that the platforms such as AirBnB and VRBO have cracked down on the "party house" rentals as it was not good business. He also noted that publicity within the City has also gone a long way. Local rental agencies are making an effort to have their clients come into compliance. D. Trefethen commented that for the 80 permitted properties the Planning Office has not received a single complaint.

G. Ober commented that it is an enforcement issue. D. Trefethen noted that the platforms do not list an address so currently properties are addressed on a discovery basis, typically when someone calls about it, as the City does not have the technical resources to locate every property. D. Trefethen also noted that recently there was a bill introduced at state level to allow STL by right.

Enforcement of the ordinance was discussed, currently the only fine that can be imposed must be imposed by the court and cannot be imposed at the local level.

G. Ober asked about a recommendation to City Council that, if the Council considers amending the ordinance to allow administrative approval that there be a notification process and a "relief valve" for abutters who may be affected or have an objection and that it would trigger a review by the Zoning Board.

The Board noted that if they would like to do so they can send a letter to Council with their concerns and/or recommendations.

G. Ober shared commentary about Ketchum, Idaho where STL cannot be regulated and how investors have bought up the housing stock forcing many in the professional and working class out of their homes and there is no housing stock available to them.

## 9. ADJOURNMENT

At 8:07 PM M. Foote made a motion to adjourn the meeting.

R. Maheu seconded the motion.

All in favor. (5-0)