



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 June 7, 2022

Prepared by Robert Mora, Assistant Planner

<p>STREET ADDRESS: 427 Weirs Blvd AGENT/APPLICANT: Ethan Wood OWNER: SLOWLY REALTY TRUST APPLICATION: PL2020-0098SP & 0099CUP (PERFORMANCE ZONING) AMENDMENT</p>	<p>PROJECT DESCRIPTION: Proposal to dock the “The Dive” a floating restaurant. MAP/STREET/LOT #: 367-71-20 ZONING DISTRICT(S): Urban Commercial (UC)</p>
<p>PLAN REFERENCE: Title: Hand drawn plan Prepared by: Unknown Date: Unknown Sheet 1: Hand drawn plan</p>	

Waiver Requests: Applicant has requested a waiver of sections 6.1, 6.2, 6.3, 6.4, 6.5, 6.6.5, 6.7.5, 6.8, 6.9, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.9, 7.10, 7.11, and 7.13. The board should determine whether the requested waivers should be approved.

Zoning Compliance Review: The board should determine whether the applicant meet the requirements of the Zoning Ordinance.

Site Plan Regulations: Applicant has requested a waiver of the Site Plan Regulations.

Staff Recommendation: The board should decide how to move forward with this application, should the board grant conditional approval staff recommends a minimum of the following:

I. RECOMMENDED CONDITIONS SPECIFIC TO THIS APPLICATION

1. PLANNING CONDITIONS

- a. All commercial loading or unloading at site must be done in the driveway and not in any travel lanes. Weirs Blvd cannot be blocked.
- b. No maintenance of any commercial vessels.
- c. Any trash/waste must be enclosed and picked up and removed by a commercial hauler.
- d. All parking must meet zoning requirements and be delineated on site.
- e. No loading or unloading of passengers at location.

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.



Application(s) #: PL2022-0045SP
 Fees Paid: 240
 Check #: 110431
 Receipt #:

RECEIVED

PLANNING BOARD APPLICATION

APR 06 2022

Planning/Zoning
City of Laconia

Project Name: Site Plan Expansion of 427 Weirs Blvd.

Project Address: 427 Weirs Blvd., Laconia, NH

Tax Map/ Lot # (s): 243-248-10/4 Zoning District (s): CR Parcel Size Acres: 0.95

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

Submittal Request (Check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Alternative Parking CUP | <input type="checkbox"/> Amendment | <input type="checkbox"/> Boundary Line Adjustment |
| <input type="checkbox"/> Boundary Line Agreement | <input type="checkbox"/> Change of Use | <input type="checkbox"/> Cluster Development CUP |
| <input type="checkbox"/> Cluster Subdivision | <input type="checkbox"/> Condominium Subdivision | <input type="checkbox"/> Conventional Subdivision |
| <input type="checkbox"/> Discretionary Easement | <input type="checkbox"/> Marinas and Yacht Club CUP | <input type="checkbox"/> Minor Site Plan |
| <input type="checkbox"/> Performance Zoning CUP | <input type="checkbox"/> Site Plan (Commercial) | <input type="checkbox"/> Site Plan (Multi-family) |
| <input type="checkbox"/> Steep Slope CUP | <input type="checkbox"/> Wetland/Wetland Buffer CUP | <input type="checkbox"/> Other _____ |

Proposal Description: Applicant proposes to dock a commercial water vessel at this location overnight and to pick up staff in the morning and drop them off at night. Staff will use no more than two cars. Staff may carry personal belongings across the street. No customers will embark or disembark at this address and no commercial deliveries will be made at this address. During any hours of operation of the commercial water vessel, the vessel will not be located at the address.

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

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

NOTE: Please attach an Applicant Contact Worksheet

	PROPERTY OWNER 1	PROPERTY OWNER 2	AGENT / APPLICANT
Printed Name:	<u>James J. Slowey, Trustee</u>	_____	<u>Ethan G. Wood, Esq.</u>
Signature:	_____	_____	<u>/s/ Ethan G. Wood</u>
Date:	_____	_____	_____



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CERTIFIED LIST OF ABUTTERS

RSA 672:3 "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

The following information must be completed by the applicant in order to begin the application process to the Planning Board or Zoning Board of Adjustment. Below, list the verified names and mailing addresses of the applicant, authorized agent(s), engineer, architect, land surveyor, soil scientist, consultant, abutter, holders of conservation easements or restrictions on adjacent lands, municipal/regional planning commissions (if a regional notice is required), associations, etc., not more than five (5) days prior to submission, per RSA 676:4,I(b). Abutters' names and mailing addresses must be verified against the records kept in the Laconia Assessor's Office. Attach additional copies of this form if necessary. Include an addressed #10 envelope and certified mail receipt for each person/professional listed below.

Map/Block/Lot	Name of Property Owner/Professional	Mailing Address of Owner/Professional
234-456-11	Lake View Condominium, LLC	670 N. Commercial Street, Suite 303, Manchester, NH 03101
234-248-10	Slowey Realty Trust, James Slowey, Trustee	147 Shirley Street, Winthrop, MA 02152
	Ethan G. Wood, Esq. c/o NCO	P.O. Box 575, Laconia, NH 03247
	The Dive, LLC c/o Jamison Merriam	63 Sand Hill Road, Gilford, NH 03249

Name of Person Preparing List Normandin, Cheney & O'Neil, PLLC Date Prepared 04/06/2022
 Preparer's Signature _____ Date 04/06/2022

*Fee per Abutter \$10.00

**SITE PLAN EXPLANATION & WAIVER REQUESTS FROM SITE PLAN REVIEW
REGULATIONS**

Site Plan Expansion of 427 Weirs Blvd.

REVISED AS OF APRIL 25, 2022

Description of proposed use: The proposed use of this property is the docking of a commercial vessel at the dock. Employees will park on the premises and cross the street with food and other supplies and board the boat. Once staff are on the vessel, the vessel will leave the dock and operate in the waters of Lake Winnepesaukee. After operations have ceased and all customers have left the vessel, it will return to the dock, employees will disembark and carry trash from the day's operations across Weirs Boulevard to the property for disposal. The trash will be placed in garbage bins kept in an enclosed storage area under the main house and immediately adjacent to the parking area by the retaining wall. Trash pick up is private and by contract with a local company. Bands may also park on the property and load instruments or other equipment on the vessel at this location but the vessel is already equipped with most of the necessary equipment required for bands to play. The applicant may also have sewage pumped from the vessel's holding tank at this location. In no event will passengers embark or disembark at this location. Propane tanks are filled once for the season at another location.

Waiver Requests:

Applicant requests waivers from the following site plan regulations:

- Site Plan Regulations Sections 6.1
- Site Plan Regulations Sections 6.2
- Site Plan Regulations Sections 6.3
- Site Plan Regulations Sections 6.4
- Site Plan Regulations Sections 6.5
- Site Plan Regulations Sections 6.6
- Site Plan Regulations Sections 6.6.5
- Site Plan Regulations Sections 6.7.5
- Site Plan Regulations Sections 6.8
- Site Plan Regulations Sections 6.9
- Site Plan Regulations Sections 7.2
- Site Plan Regulations Sections 7.3
- Site Plan Regulations Sections 7.4
- Site Plan Regulations Sections 7.5
- Site Plan Regulations Sections 7.6
- Site Plan Regulations Sections 7.7
- Site Plan Regulations Sections 7.9
- Site Plan Regulations Sections 7.10
- Site Plan Regulations Sections 7.11
- Site Plan Regulations Sections 7.13

Waivers are being requested for the preceding sections of the site plan regulations because the change being proposed to the existing site is an expansion of the use of the dock and the parking of no more than three vehicles on the property where there is already sufficient parking. No commercial activity with customers will occur on the premises, no deliveries will be made to the premises, and there will be no change or modification to the existing conditions of the land. The Applicant is seeking to dock a commercial vessel at the existing dock during periods when the vessel is not in operation. No more than three employee vehicles will be parked onsite. Trash will be picked up at the site and it is possible that sewage will be pumped from the holding tank at the site.

Section 6.1 – Applicant is seeking a waiver of this Section because there will be no change in any existing structure, parking, vegetation, or other existing condition of the property. The only change that will occur is the use of three parking spaces for employees and the docking of a commercial vessel when not in operation.

Section 6.2 – Applicant is providing a copy of the tax map and a picture of the existing conditions from Google Maps. Applicant is seeking a waiver of this Section because there will be no plan prepared as the only change that will occur is the use of three parking spaces for employees and the docking of a commercial vessel when not in operation.

Section 6.3 – Applicant is providing a copy of the tax map and a picture of the existing conditions from Google Maps. Applicant is seeking a waiver of this Section because there will be no plan prepared as the only change that will occur is the use of three parking spaces for employees and the docking of a commercial vessel when not in operation.

Section 6.4 – Applicant is providing a copy of the tax map and a picture of the existing conditions from Google Maps as well as pictures of the property. Applicant is seeking a waiver of this Section because there will be no plan prepared. The proposed use of the property is limited to limited employee vehicle parking, private trash pick-up, the embarking and disembarking of staff from the vessel and there may be sewerage removal from the holding tank of the vessel at this location.

Section 6.5 – Applicant is seeking a waiver of this Section because there are no proposed improvements to the property. Applicant is proposing to dock a commercial vessel at this location when it is not in operation. Applicant is also proposing to have three employee vehicles parked at this location during the hours of operation of the commercial vessel. While trash will be picked up from this location, it will be a private contract and will use trash bins rather than dumpsters. The bins are stored in an enclosed area next to the parking area and existing retaining wall. There will be no customer parking, no deliveries, and no modification to the existing conditions of the land.

Section 6.6 - Applicant is seeking a waiver of this Section because there is no proposed new structure. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have three employee vehicles parked at this location during the hours of operation of the commercial vessel. There will be no customer parking, no deliveries, and no modification to the existing conditions of the land.

Section 6.6.5 Applicant is seeking a waiver of this Section because there are no proposed changes to any existing lighting and the public is not being invited to this location. The existing conditions of the property provide sufficient light for the Applicant's employees to embark and disembark the commercial vessel. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have three employee vehicles parked at this location during the hours of operation of the commercial vessel. There will be no customer parking, no deliveries, and no modification to the existing conditions of the land.

Section 6.7 Applicant is proposing to dock a commercial vessel in this location during the periods when it is not on the lake. The vessel will not take on passengers or receive deliveries from commercial vehicles or trucks at this location. Three employee vehicles may be parked on the premises during the vessel's operation but will not be parked overnight or use spaces required for the existing residential use of the property. Applicant anticipates that staff will carry on what is needed for the day's operations and remove the trash at night. While it is anticipated that waste water may be pumped from the vessel's holding tank at this location, this activity is no more than a ten (10) minute process and will occur first thing in the morning on those days when it is necessary to do so. No activity will occur in this location other than as specified in this paragraph. The property is located in the Commercial Resort zoning district and the docking of a commercial vessel is permitted in this district. There are no required deeds or easements dealing with the land necessary for the limited proposed uses.

Section 6.7.5 – Third party peer review has not been requested and the limited change in use relates only to the docking of a commercial vessel in this location when not in operation.

Section 6.8 – Applicant is seeking a waiver of plans as there are no conditions upon the ground which are changing. There will be no construction and other activity is limited to employee parking, garbage pick-up, and the docking of a commercial vessel when not in operation.

Section 6.9 - Applicant is seeking a waiver of this Section because there are no proposed structures needing a certificate of occupancy. There are no proposed changes to the existing conditions on the ground. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have employee vehicles parked at this location during the hours of operation of the commercial vessel and trash from the commercial operation picked up from this location under a private contract. While applicant anticipates that it may be necessary to pump waste water from the holding tank at this location, it is expected that any pumping is a ten (10) minute process and is infrequent. There will be no customer parking and no modification to the existing conditions of the land.

Section 7.1 – The proposed use conforms to all applicable laws, rules, and regulations. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have three employee vehicles parked at this location during the hours of operation of the commercial vessel. There will be no customer parking and no modification to the existing conditions of the land.

Section 7.2 – Applicant is seeking a waiver of this Section because there are no proposed changes to streets or access and no proposed changes to the existing conditions upon the ground. U.S. Route 3 is a public way. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have three employee vehicles parked at this location during the hours of operation of the commercial vessel. There will be no customer parking and no modification to the existing conditions of the land.

Section 7.3 – Applicant is seeking a waiver of this Section because there are no proposed changes to streets or access and no proposed changes to the existing conditions upon the ground. Applicant is not proposing any improvements to the property or changes to existing conditions. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have employee vehicles parked at this location during the hours of operation of the commercial vessel. There will be no customer parking and no modification to the existing conditions of the land.

Section 7.4 – Applicant is seeking a waiver of this Section because there are no proposed streets. Applicant is proposing to dock a commercial vessel at this location when not in operation. Applicant is also proposing to have three employee vehicles parked at this location during the hours of operation of the commercial vessel. There will be no onsite customer parking or other modifications to the existing conditions of the land.

Section 7.5 – Applicant is seeking a waiver of this Section because there are no proposed changes to the existing conditions upon the ground. There will be no change in storm water management or other drainage. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Section 7.6 – Applicant is seeking a waiver of this Section because there are no proposed changes to public water supply to this location and no water from this location is being used on the vessel. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Section 7.7 – Applicant is seeking a waiver of this Section because there are no proposed changes to the existing public sewer at this location. Applicant is proposing to empty the vessel's holding tanks via a private waste water pumping company and the public sewer system will not be impacted. Any waste water pumping is expected to be infrequent and take no more than ten (10) minutes. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Section 7.8 – Applicant is proposing to park to employee vehicles onsite. There is existing parking sufficient for the use of three spaces by employees without impacting any other use of the property. The parking will be off-street. There will be no loading or unloading of anything other than whatever may be carried by a person and no commercial deliveries by large trucks will be made to this location. There are no proposed changes to the existing conditions upon the ground. The Applicant is proposing to dock a commercial vessel at this location when it is not in operation, to have staff board and disembark from this location, to have trash stored at this location pending a private pick-up. Applicant is also proposing to have three employee vehicles

parked at this location during the hours of operation of the commercial vessel. The proposed commercial operation will not be occurring during any period where snow needs to be plowed. The proposed parking of three employee vehicles in the existing parking lot will not contribute to the noise, dust, or glare upon neighboring properties and land uses. The location is in the commercial resort zone and the proposed use is a minimal expansion of the existing use. While the vessel may be loaded or unloaded at the dock, only those items that can be carried will be loaded or unloaded.

Section 7.9 – Applicant is seeking a waiver of this Section because there are no proposed changes to any existing utilities servicing the property or changes to the existing conditions upon the ground. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Section 7.10 – Applicant is seeking a waiver of this Section because there is no proposed signage and no proposed changes to the existing conditions upon the ground. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Section 7.11 – Applicant is seeking a waiver of this Section because there are no proposed changes to the existing landscaping or the existing conditions upon the ground. Applicant is proposing to dock a commercial vessel at this location when not in operation. There will be no customer parking, trash storage is proposed to be in bins which will be stored in an enclosed area on days when they are not being picked up, no commercial deliveries are expected to occur here, there is no proposed change in the natural features of the property, no proposed change to an existing amenities, and no modification to the existing conditions of the land.

Section 7.12 – Applicant is not proposing any changes to the existing natural features of the land or making any changes to the existing amenities. Applicant is seeking a waiver of this Section because there are no proposed changes to streets or access and no proposed changes to the existing conditions upon the ground. Applicant is proposing to dock a commercial vessel at this location when it is not in operation.

Section 7.13 – Applicant is seeking a waiver of this Section because there are no proposed changes to the existing pedestrian traffic or the existing conditions upon the ground. There are no existing sidewalks along Route 3 on either side of this property. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Section 7.14 - Applicant is seeking a waiver of this Section because to the best of applicant's knowledge this location is not land designated as "Special Flood Hazard Areas" and there are no proposed changes to the existing conditions upon the ground. Applicant is proposing to dock a commercial vessel at this location when not in operation.

Summary: Applicant is proposing to dock a commercial vessel at this location during the boating season when the vessel is not in operation. No existing conditions upon the ground will change as a result of the proposed use.

