



WILLIAM C. TUCKER
GREGORY G. PETERS
FRANK P. SPINELLA, Jr.
DEAN B. EGGERT
MICHAEL R. MORTIMER
KATHLEEN C. PEABL, Of Counsel
RICHARD THORNER
CHARLES F. CLEARY
CHRISTINE GORDON
TODD J. HATHAWAY
ALISON M. MINUTELLI
MICHAEL J. TIERNEY
DONNA J. BROWN
CRAIG S. DONAIS
ALYSIA M. CASSOTIS
CHRISTOPHER P. MCGOWN
TIERNEY M. CHADWICK
ABBY TUCKER

Attorneys At Law
95 Market Street
Manchester, New Hampshire 03101
Telephone (603) 669-4140
Facsimile (603) 669-6018

WWW.WADLEIGHLAW.COM

STEPHEN M. BENNETT, Of Counsel
ELIZABETH E. EWING
JEFFREY D. ODLAND
SHELLAH M. KAUFOLD
JOHN B. FITZGERALD
FRANK B. MESMER, Jr. Of Counsel
WILLIAM P. REDDINGTON
MICHAEL G. EATON
CATHERINE C. BOUSQUET
MORGAN G. TANAFON
GRETCHEN M. WADE
JOSEPH J. DUMAIS
JOSHUA S. DEYOUNG
SEAN A. DENIS
GAVIN E. GRAY
ELIZABETH J. BEDSOLE
COLETTE POLEZONIS

Direct Dial: (603) 206-7239
mtierney@wadleighlaw.com

December 31, 2025

Rob Mora, Director
Laconia Planning Board
45 Beacon Street, East
Laconia, N.H. 03246

**Re: PB2026-021; 604 Endicott St N
Jurisdiction of the Planning Board**

Dear Director Mora and Members of the Planning Board:

Please accept these comments in reference to PB2026-021 for Tiki Plaza LLC and distribute to the Planning Board in advance of the January 6, 2026, public hearing. This firm represents Pine Hollow Campground, an abutter to Tiki Plaza. Contrary to the arguments recently provided by the applicant, the Planning Board both has the authority and the obligation to consider the entire site and all applicable site plan review regulations.

1. The Planning Board has Jurisdiction to Consider All Regulations and the Entire Site

In the applicant's December 19, 2025 letter from legal counsel, Attorney Wood asserts that the Planning Board lacks subject matter jurisdiction over anything the applicant does not want the Planning Board to consider. He is incorrect. The Planning Board's jurisdiction is not determined by the scope of a proposed amendment or a settlement agreement but by statute and the Laconia site plan review regulations. In particular, RSA 674:43-44 authorizes the Planning Board to adopt site plan review regulations subject to a waiver process and the Laconia site plan review regulations regulate, among other issues, requires analysis of the traffic, parking, lighting and other impacts a site may have on its neighbours in addition to drainage. In fact, the Laconia Site Plan Review Regulations explicitly states, in Section 5.5, that "The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of these regulations applicable to the approval shall be applicable to such modification or amendment." All regulations applicable to a new application

are applicable to an amendment. If the applicant believes the Planning Board should not consider certain regulations, the applicant must request a waiver pursuant to RSA 674:44(III)(e).

II. The Previous Approval Was Not Affirmed by the Court

In addition, Attorney Wood misleadingly states that the initial appeal of the Planning Board's site plan approval, "The City of Laconia prevailed in Superior Court." This implies the previous approval was affirmed. In fact, the Superior Court did not affirm the decision but remanded it to the Planning Board to look at it again. An appeal was filed with the Supreme Court which is currently stayed. Therefore, Tiki's previous proposed site plan is not affirmed but merely stayed.

III. The Settlement Agreement Does Not Limit the Regulations or Area of the Site to be Considered by the Planning Board

Finally, in his December 19th letter, Attorney Wood asserts that the Planning Board's consideration of matters unrelated to drainage "would be in breach of the Settlement Agreement." Attorney Wood is wrong. There is nothing in the settlement agreement where the Planning Board agreed to limit its consideration. Likewise, there is nothing in the settlement agreement limiting Pine Hollow from raising objections to the proposed plan. Tiki knew when entering into this settlement agreement that Pine Hollow was not waiving its rights to raise other arguments. When negotiating the settlement agreement, Tiki could have demanded that Pine Hollow not raise other objections but it did not do so. The Settlement does imply, however, that Tiki will make adjustments based on Pine Hollow's engineer's review. Nevertheless, Tiki has acted in bad faith by not fixing problems that Pine Hollow identified long ago.

IV. There Are Several Problems With the Plan as Proposed

While this plan is an improvement over their May 3, 2023 plan, it is not yet a complete plan that can be approved by the Planning Board. In particular, there are several requirements of all site plans that are not included in this plan nor have waivers been sought or obtained. This includes:

1. Pursuant to Section 6.1 (5) of the Laconia Site Plan Regulations, a property survey must included with the plan.
2. Pursuant to Section 6.4 of the Laconia Site Plan Regulations, an existing conditions plan must be submitted that shows:
 - (c) The location, layout and use of existing buildings¹ and structures on the site and on abutting properties;

¹ The use of existing buildings is relevant to the parking calculations. Assuming that 4000 square feet of building and 1000 square feet of deck is being used for is being used as an "eating and drinking place" then pursuant to the Laconia Zoning Ordinance, Tiki must show 50 regular parking spaces and 2 handicapped accessible parking spaces.

(d) The location and layout of existing driveways, curb cuts, parking lot and loading areas, **including the total number of parking spaces;**

...

(o) The type and location of existing outdoor lighting;

...

(r) The location and type of existing property line monuments.

Unfortunately, none of these required elements appear on the proposed plan. There does not appear to be a separate existing conditions plan. The Planning Board cannot approve a plan without all of the required elements² or appropriate waivers.

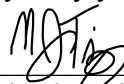
While the enlarged retention pond is an improvement, the applicant does not appear to have appropriately accounted for all of the stormwater. Pine Hollow retained engineers from Meisner Brem who determined that Brown Engineering's "hydrologic model appears to underestimate the area of Route 3 flowing onto 604 Endicott St N. No additional area was added to the revised stormwater calculations to account for this flow from Route 3." I attach their report for your consideration. The Planning Board should not approve a plan that does not properly analyse and handle the water running from Route 3 over Tiki's property and onto Pine Hollow's property.

Furthermore, Meisner Brem points out that Brown's hydrologic report indicates that the entire area to the back of the existing building is gravel which likely exaggerates the pre-construction stormwater. See attached report.

Conclusion

Before approving any plan, the Planning Board must require Tiki to first submit an existing conditions plan, based on a boundary survey and depicting all use on the property, all boundary monuments, the required number of parking spaces for the approved uses and all other items required by the Laconia Site Plan Review Regulations. The Planning Board must also require Tiki to amend its stormwater analysis to confirm that the stormwater coming off of Route 3 does not merely pass over Tiki and onto Pine Hollow's property. Finally, the Planning Board must confirm that Tiki has adequate parking on its own property as Tiki's customers have a history of parking on Pine Hollow's property.

Very truly yours,



Michael J. Tierney, Esq.
mtierney@wadleighlaw.com

² The Planning Board should not grant a waiver from showing a surveyed boundary line nor from showing all parking spaces and all uses on the site. Tiki must demonstrate that it is providing sufficient parking and is not utilizing Pine Hollow's property in order to meet its parking requirements.



June 20, 2025

Bob Heavey
Pine Hollow Campground
PO Box 745
Natick, MA 01760

Re: 604 Endicott St N, Laconia Site Plan

Dear Mr Heavey,

I have reviewed the revised Site Plan and Stormwater Management Analysis Report for 604 Endicott St N, known as Tiki Plaza. The revision date listed on these documents is January 13, 2025.

The revised stormwater design incorporates several improvements compared to the previous version of the design. These improvements will serve to better protect your property and the Pine Hollow Condominium property from stormwater-related issues. The improvements include:

- Soil testing conducted by Tiki Plaza's engineer indicates that the proposed filtration basin will be located above the water table, thus the capacity of the basin should not be impacted by groundwater.
- A roof drain is added to the proposed building. This will ensure that runoff from the roof is directed into the filtration basin.
- The filtration basin is enlarged, and will therefore provide greater control of stormwater flows.
- The pipe outlet previously shown is removed, and the filtration basin will now outlet via a 10 ft wide spillway lined with stone. This will prevent concentration of flow and reduce erosion.

There are several conditions that I recommend be addressed by Tiki Plaza's engineer:

1. As stated previously, the hydrologic model appears to underestimate the area of Route 3 flowing onto 604 Endicott St N. No additional area was added to the revised stormwater calculations to account for this flow from Route 3. The existing and proposed flows onto 554 Endicott St N are likely slightly underestimated by the model. See Figure 1 and Figure 2 on the following page:

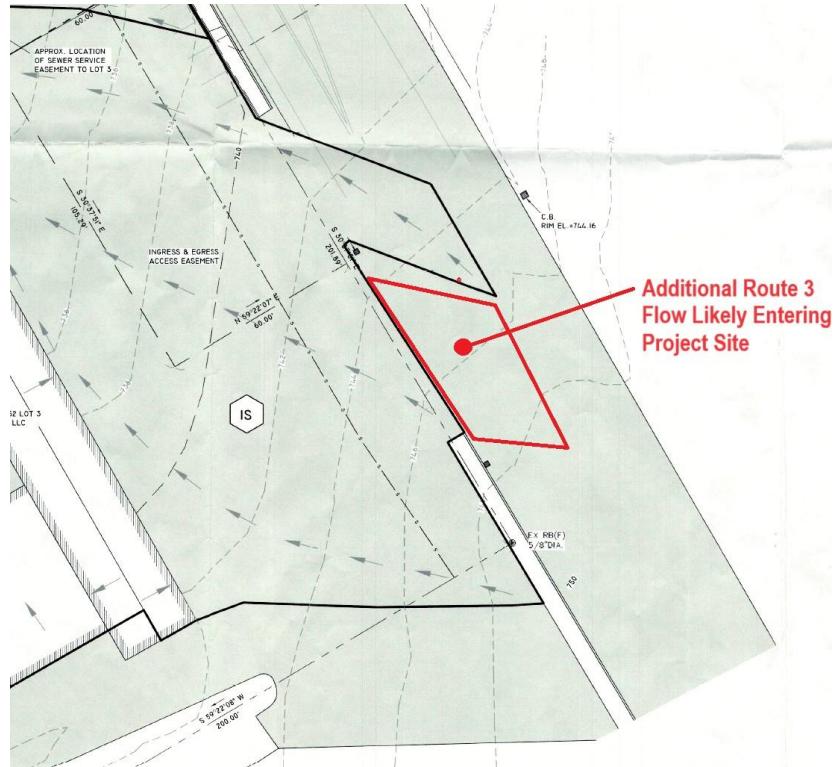


Figure 1: Route 3 Flow



Figure 2: Route 3 Flow (Online Imagery)

2. As stated previously, the Pre-Condition map depicts approximately 4,000 sq ft of existing gravel area that is not depicted on the Existing Conditions plan. This area was not added to the pre-development drainage model. If this gravel area does not exist then the model likely calculates the existing flows to be higher than they actually are. This, in turn, may result in proposed flows that are higher than the actual existing flows.

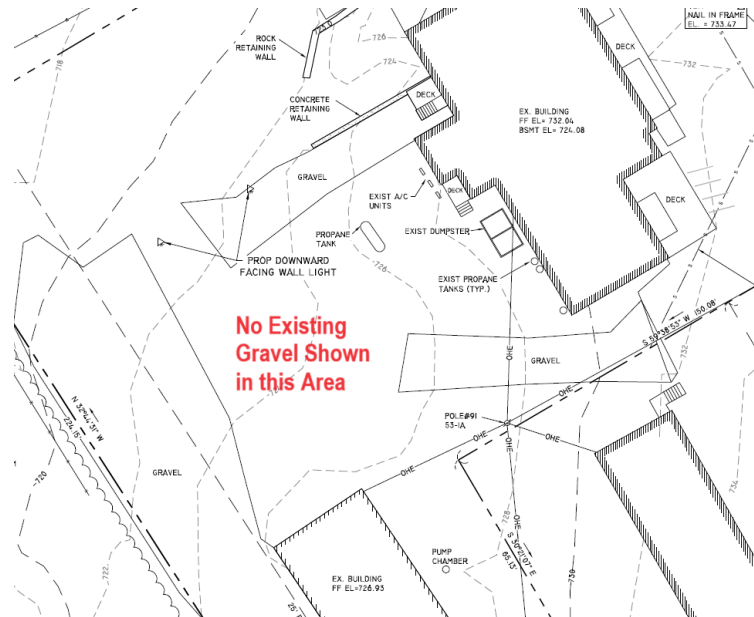


Figure 3: Rear Gravel (Existing Conditions Plan)

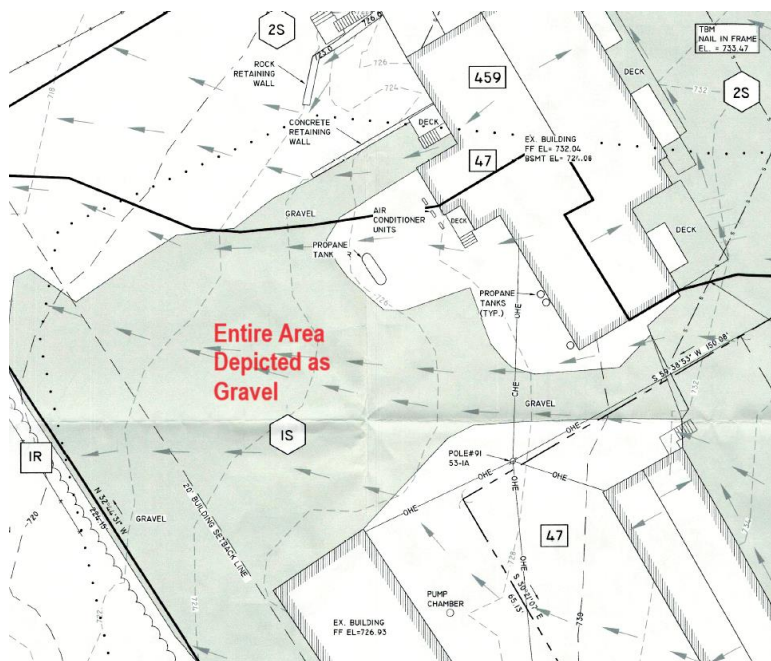


Figure 4: Rear Gravel (Pre-Condition Stormwater Map)

3. No pre-treatment is provided for the filtration basin. The 2008 New Hampshire Stormwater Manual, Volume 2, states that pretreatment is required prior to all filtering practices. See excerpts from the Manual included with this letter. Installation of a pretreatment device will prevent sediment from clogging the filtration system. Pretreatment is required for parking area runoff only – it is not required for roof runoff.

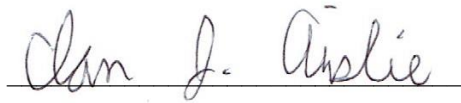
4. The plan depicts snow storage within the filtration basin. The capacity of the basin will be reduced if snow is stored within it. The snow storage should be moved to a location outside the basin.

5. The summary pages for Pond 3P (filtration basin) display a warning message: *“Early inflow requires earlier time span”*. The model begins to analyze flows 5 hours after the beginning of the storm event, and thus does not account for flows generated during those first 5 hours. The time span should be adjusted to account for these early flows. It should be noted that these early flows are typically quite small.

I hope the above comments assist you, please contact me if you require further information.

Very truly yours,

MEISNER BREM CORPORATION

A handwritten signature in cursive script, reading "Ian J. Ainslie", written over a horizontal line.

Ian Ainslie, PE

GENERAL REQUIREMENTS APPLICABLE TO FILTERING PRACTICES

- Filtering practices are prohibited in areas of RSA 482-A jurisdiction unless a wetlands permit has been issued.
- Filtering practices are prohibited as follows, unless an impermeable liner is provided:
 - Into areas groundwater protection areas where stormwater is from a high-load area
 - Into areas where contaminants occur in groundwater above ambient standards (Env-Or 603.03)
 - Into areas where contaminants occur in soil above site-specific standards (Env-Or 600)
 - Into areas with slopes > 15%, unless calculations show that seepage will not cause slope instability
 - From areas with soil contaminants above site-specific standards (Env-Or 600)
 - From areas with underground or aboveground storage tanks regulated by RSA 146-C or RSA 146-A, where gasoline is dispensed or transferred
- ➔ ● Pretreatment is required (see Section 4-4) if BMP will receive stormwater other than roof runoff (except permeable pavements do not require pretreatment of runoff from their surfaces)
- Underdrain system is required if underlying native soil or fill soil has an infiltration rate < 0.5 inches per hour
- Where infiltration applies, the design infiltration rates must be determined in accordance with the protocols discussed in Chapter 2.
- Provide recommended clearances to seasonal high water table, to maintain adequate drainage, prevent structural damage to the filter, and minimize the potential for interaction with groundwater.

Table 3-4. Summary of BMP Restrictions Associated with High-Load and Protected Resources

Protected Resources	Stormwater from High-load Areas	Stormwater From Non High-load Areas
All Areas	<ul style="list-style-type: none"> No filtering or infiltration practices allowed from gasoline dispensing areas under regulated RSA 146-A or RSA 146-C Use of unlined detention ponds or unlined swales prohibited Source control plan required¹ 	<ul style="list-style-type: none"> Pretreatment is required prior to all filtering or infiltration practices Infiltration practices must have 3' of separation from the bottom of the practice to the SHWT Filtering practices must have an impermeable liner or 1' of separation from the bottom of the filter course to the SHWT
	No infiltration or unlined filtering practices within areas identified by NHDES with contaminated soils or groundwater, as defined under Env-Or 600.	
Water Supply Wells	<ul style="list-style-type: none"> Minimum setbacks between stormwater discharge and water supply wells (see Table 3-3) No Exemption to minimum setbacks 	<ul style="list-style-type: none"> Exemption to minimum setbacks – if the stormwater management system receives runoff from less than 0.5 ac.
Groundwater Protection Areas	<ul style="list-style-type: none"> Infiltration practices prohibited Unlined filtering practices prohibited 	<ul style="list-style-type: none"> Infiltration practices must have 4' of separation from the SHWT Filtering practice should have: <ul style="list-style-type: none"> impermeable liner, or 1' of separation from the bottom of the practice to the SHWT, or 1' of separation from the bottom of the filter course material and twice the depth of the filter course material recommended
Water Supply Intake Protection Areas	<ul style="list-style-type: none"> Infiltration practices must have 4' of separation from SHWT Filtering practice should have: <ul style="list-style-type: none"> Impermeable liner, or 1' of separation from the bottom of the practice to the SHWT, or 1' of separation from the bottom of the filter course material and twice the depth of the filter course material recommended Minimum 100' setback between stormwater discharge and the WSIPA 	<ul style="list-style-type: none"> Exemption to 100' setback – if the stormwater management system receives runoff from less than 0.5 ac.
	<ul style="list-style-type: none"> Shut-off mechanism required where bulk oil or hazardous material is transferred 	

¹ "Source control plans" are designed to minimize the volume of stormwater coming into contact with regulated substances. Chapter 5 provides further discussion of the preparation of the Source Control Plan to specify necessary structural controls and/or operational practices to minimize contact between stormwater and regulated substances.

- Soils infiltration capacity is ultimately used in the sizing of infiltration practices when they are applicable, with soils with low infiltration capacity requiring more surface area than those with high infiltration capacity to treat the same volume of water.