



WILLIAM C. TUCKER  
GREGORY G. PETERS  
FRANK P. SPINELLA, Jr.  
DEAN B. EGGERT  
MICHAEL R. MORTIMER  
KATHLEEN C. PEAHL, 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  
SHELIAH 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

January 16, 2026

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

**Re: PB2026-021; 604 Endicott St N  
Scope of Planning Board Review**

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 follow-up to the January 6, 2026, public hearing.

At the January 6, 2026, Planning Board Meeting, the Board expressed an interest in reading the Superior Court decision as well as any Supreme Court pleadings. Attached to this letter is the Superior Court's decision of November 20, 2023. As you can see, the Superior Court remanded solely on the issue of stormwater. This was error. Therefore, Pine Hollow filed an appeal with the New Hampshire Supreme Court on December 19, 2023, raising 10 issues including:

**1. Whether the Trial Court erred in ruling that the Appellant's argument that the Planning Board failed to analyze all site plan criteria for the entire property was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.**

**3. Whether the Trial Court erred in ruling that the Appellant's argument that the Applicant failed to perform a boundary survey was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.**

**10. Whether the Trial Court erred in not reversing the approval for failure to provide a surveyed plan, failure to analyze adequacy of off street parking for all uses, failure to analyze loading facilities and the orderly flow of traffic on site or failure to re-analyze green space calculations after requiring additional gravel as a condition of approval.**

See all ten issues in attached Supreme Court appeal, page 3.

Therefore, at the time the Settlement Agreement was entered into, the appeal pending at the Supreme Court included whether the Planning Board needed to apply all site plan criteria including the requirement of a boundary survey and the failure to consider the parking provided for all pre-existing and proposed uses. The Superior Court, erroneously, held that even though the issue of inadequate parking for all uses was raised by Mr. Heavey in an email, it was not raised verbally in front of the Planning Board. This was clear error that would have been corrected by the Supreme Court had we completed the original appeal. Instead, while the Supreme Court appeal was pending, agreed to remand back to the Planning Board.<sup>1</sup> The Settlement Agreement does not purport to limit the jurisdiction of the Planning Board. The Laconia Site Plan Review Regulations does however state, in Section 5.5, that “The Planning Board shall have the power to modify or amend its approval of a site plan . . . 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). The Board should not grant waivers from Section 6.1 (5) of the Laconia Site Plan Regulations which requires a property survey be included with the plan. Nor should the Board grant a waiver from Section 6.4 of the Laconia Site Plan Regulations which requires the existing conditions show:

(c) The location, layout and use of existing buildings and structures on the site and on abutting properties;

(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.

Very truly yours,



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

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<sup>1</sup> While the Superior Court’s ruling that the issues were not preserved by Mr. Healey’s email was clear error, it becomes a moot issue where these issues have all been addressed both in writing by me **as well as verbally at the January 6, 2026 hearing.** The Planning Board cannot argue, as it had in 2023, that the issues were not first brought to the Planning Board for consideration.