

CITY OF LACONIA PLANNING BOARD  
6:30 PM City Hall - Conference Room 200A  
*Accepted February 13, 2018*

1/9/2018 - Minutes

1. CALL TO ORDER

Vice Chair E. Bones called the meeting to order at 6:00 pm

2. RECORDING SECRETARY

Kalena Graham called the roll with the following members present: Dave Broughton, Michael Limanni, Charlie St. Clair, Michael DellaVecchia, Gail Denio, David Bownes, Jay Tivnan, and Vice Chair Edwin Bones

Absent: William Contardo

Vice Chair E. Bones noted that there were eight members present and a quorum was established.

3. STAFF IN ATTENDANCE

Planning Director Dean Trefethen and Assistant Director Brandee Loughlin

4. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

The minutes were distributed Dec 6, 2017 with no revisions

4.I. Acceptance Of Minutes For December 5

Motion to accept the minutes as submitted made by C. St. Clair, G. Denio seconded. All voted in favor. Alternate M. Limanni did not vote.

5. PRESENTATIONS

6. EXTENSIONS

6.I. 05-014SP, 017CUP(Wetland), 018CUP(Alt. Parking), 2015-0134SP; 95 Centenary Ave; Request For Extension

Staff told the board that the applicant had requested a continuance.

Motion to continue the extension from February 6, 2018 made by D. Broughton, J. Tivnan seconded. All voted in favor. Alternate M. Limanni did not vote.

7. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE Note: The Purpose Of This Agenda Section Is For The Board To Continue The Public Hearing For The Applicant And The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

Vice Chair E. Bones asked that anyone who would be speaking to state their name for record.

D. Bownes made a few comments. He was at the last hearing and it was contentious in many ways and he regrets that. That shouldn't be the way the board handles applications. It is his desire to keep the process moving forward, slowly, fairly openly and give everyone the opportunity to be heard. Atty. B. Philpot appreciates those remarks.

There was a technical difficulty break to resolve the issue.

7.1. PL2011-0024SP, 0026CUP(Steep Slope), 0027CUP(Wetlands), 2015-0141SU, 553 Weirs Blvd; Langley Cove Development, 291 Unit Cluster Development & Boundary Line Adjustment

The public hearing opened at 6:39 pm

Applicant: Jon Rokeh updated the board on the application. Present was Jeff Dirk of Canasse & Associates and Atty Bill Philpot.

Atty B. Philpot brought up the secondary access issues through Paugus Woods. Two issues were raised: whether or not the residents of Paugus Woods had been notified of the reservation and there was discussion about the road through the system as a workable solution. With the issue of constructive and actual knowledge of the Paugus Woods residents, there was research done and he got a hold of the public offering statement, which is required for a registered project through the consumer protection division with oversight by the AG office. This would have been handed to all the residents and prospective buyers of Paugus Woods. He handed out the expert taken from the public offering statement. Atty B. Philpot read some excerpts. He gave D. Bownes a copy as well as the declaration which this would be attached to. When the current owner purchased Paugus Woods, there were no residents. D. Bownes noted there were two different documents, the declaration and the public offering statement, each with a different name mentioned and asked the difference between 553 Weirs Blvd LLC and Langley Cove. He feels it might be confusing to any prospective buyer, to have two different names. Atty B. Philpot noted that those were not his products and is not really sure he can answer that. He said since the AG signed off, he would assume it was ok. J. Rokeh noted that at the last meeting it was brought up that during the Paugus Woods approval process the secondary access was never brought up and according to the TRC minutes from 2005, prior to approval, there was discussion about the combining the developments. Also at the March 7, 2005 Planning Board meeting it was further discussed and the goal was not bring the second access through the wetlands area, but through the abutting property. It was also discussed with the design review for Langley Cove at the February 2, 2010 Planning Board meeting, after Brady Sullivan had purchased Paugus Woods.

J. Rokeh gave his presentation. The applicant has been working with the abutters over the last month. As of yesterday, in conversation with Mr. Wheaton, the applicant did a road profile and design so the three internal abutters have access during construction. The road will be upgraded to 24 ft wide. This is utilizing existing roads. It has been submitted to DPW and abutters to be discussed. The center abutter will have the same driveway until the first phase road gets built, then they will be switched to the new road. The underground detention chamber that was proposed between the two abutters has been moved by Shelby Court and no blasting will be needed in that area. Vice Chair E. Bones asked about neighbor feedback regarding the new road design. J. Rokeh said he spoke with Mr. Wheaton and he feels that they understand and think happy with that and the underground detention. G. Denio asked what the feedback was from DPW in regards to the road and J. Rokeh said DPW and Fire were fine as long as the abutters were ok with it. DPW put the 24 ft requirement change for the road and have it graveled and ready to go for the abutters. That is why he did the full design.

Traffic Analysis: Jeff Dirk gave the presentation. Since the last hearing the traffic analysis has been updated and included recent projects. The applicant has provided an analysis of conditions today and a ten years from now. Looking at the traffic counts from DOT, the volume hasn't changed much, just under 2% since 2007. White Oaks Road has had a decrease in traffic below 10%. One of the outstanding items was the assumption that 90% of traffic on from the development would use Weirs Blvd and 10% would use White Oaks Road access. The applicant was asked to look at 60% using Weirs Blvd and 40% using White Oaks Road. In particular looking at what the impacts would be at the Weirs Blvd, White Oaks and Lakes Street intersection. DPW wanted to look at the need for improvements at that location. The current condition has long delays and ques that happen. The applicant is looking at providing separate turn lanes coming off White Oaks with pavement markings. Because the current area is not marked it is a free for all and accidents occur. The applicant received accident reports from the Police. There is not a large amount of accidents. The applicant took the crash data to see if the number of crashes happening and the type of crashes would justify a traffic signal;

which they did not. Also to look at specific improvement to see what types of crashes were happening and where they happen at the intersection and whether channelization or some other kind of improvement would address the type of crashes. There was some question at the last meeting about the delay on the driveway with the separate turn lanes off Weirs Blvd. Separate left and right turn lanes are being providing existing the development. The purpose is to store the ques. The analysis confirmed that separate lanes will work. Sidewalk and bike lanes will be provided by the applicant along the property. The applicant will also install two way or all way stop sign control at the Palmetto Lane/Siesta Lane intersection in the Paugus Woods development. The applicant will also contribute monies to the City for the completion of improvements at the Weirs Blvd/Rte 11B intersection. There was concern regarding the bike lanes only being where the development is. The idea is that eventually it will all connect over time. J. Rokeh added to the comment regarding the sign control at Paugus Woods, a condition was put on for the applicant to upgrade straight through to White Oaks road, at a minimum. That would be done in phase 2 of Langley Cove. D. Bownes concerned with the conditions of the roads in Paugus Woods and asked how it will be addressed by the developer.

CUP process for steep slopes and wetland: The applicant has been working with staff and gone through third party reviews for many years. The applicant feels that at this point, they have met every criteria of both. Planning Director D. Trefethen agreed and added that there will be a condition that when construction of retaining walls and building pads for the units, which will require fill, that an inspector will be required on site to see that everything constructed properly. J. Rokeh said most of the departments are requiring a full time inspection as well, for the whole project, every day. Planning Director D. Trefethen added that the inspector will be hired by the City but paid for by applicant. Langley Cove will be condominium and ownership of units and land will be common and the roads will be private.

C. St. Clair feels that lots of people will be using Paugus Woods when the traffic gets too high on the boulevard. People use White Oaks now to bypass the boulevard. J. Dirk added that one of the mitigation items was a contribution of around \$30k toward improvements at either intersection of 11B or Lake Street/Weirs Blvd/White Oaks. C. St. Clair feels that someone should take a look at 11B intersection and wonders what the impact will be. There have been accidents at that intersection. He added that traffic will impact the entire city not just that area. J. Dirk noted that the applicant has done anything that has been asked for and will go back and analyze if that is wanted. The applicant would like a final list of what they should be looking into so the project can finally be closed.

Staff Review: Staff referred to the memo.

Abuttoner Input: Dean Spinney of 5 Siesta Lane in Paugus Woods spoke. He asked if the wording the document given to the homeowners about the second access an emergency exit or permanent road. He was told by the sales people that there would be an emergency access. IF the development goes through, he wants to know who will be responsible for maintaining the road? He asked when the Langley Cove development starts are the construction vehicles going to go through Paugus Woods? M. DellaVecchia thought there is a stipulation that no construction vehicles are allowed but in regards to the first concern, the board is unsure.

Dennis Peterson of 6 Palmetto Lane spoke. He was also told about the access being for emergency vehicles only. He thinks he has different language in his declaration and will forward that to staff. Morally and ethically this is wrong for the neighborhood to have the cars go through. The current drainage does not work. A top coat will not help until drainage is fixed. With the reputation of Brady Sullivan and the Paugus Woods development, he wouldn't trust a word that is said. He had a concern about the impact on White Oaks entrance. There is reference in the declaration, section 3.5.3, that talks about installation of a gate, which at some point the owners can put a gate limiting access to Paugus Woods. It makes sense to go with original plan for the road where it won't impact residents or make it an emergency gate for emergency vehicles only. The residents of Paugus Woods have not heard from Brady Sullivan and feels that the developer could care less. He would suggest the board put stipulations on any approval. He feels the developer lied, misled and does shabby work.

Pete Spinney of 8 Siesta Lane in Paugus woods spoke. Paugus Woods is mostly retired residents. He didn't buy in the development to be bullied and feels like they are being bullied. He had the document reviewed before buying. There is nothing in the document about a road way. There is talk about utilities.

The residents are required to maintain the roads and the problem is who will pay for maintenance of the access road from the large complex. He had a utility issue and has a clean out behind the ut pedestal. He found out why but not by the developer. There are no records in the city of inspections of buildings. The sewer pipe ended up to be installed wrong.

D. Broughton asked Planning Director D. Trefethen about what point the city takes over the sewer on a development and said private sewers are private and stay with the association until it reaches the city line.

Ray Bole of 70 Sarasota Lane spoke. He is against the road and taking on another development's traffic. He asked if the applicant brought a copy of any signed documents by the residents. He reviewed all his documentation and contacted his attorney there is nothing. Atty B. Philpot said the document is part of the closing. R. Bole said the realtor is a Brady Sullivan employee and gave the name Denise St. Pierre. He asked why the development hadn't been finished yet and was told a development can't have more than 49 units without a secondary access per city regulations. R. Bole asked what had been done to the task of the board request for the applicant o reach out to the residents of Paugus Woods and it was stated that the board might be able to request that but may not have the authority to make the applicant communicate. R. Bole asked who was responsible for the actual infrastructure of the road, he assumes it would be the Paugus Woods residents. Assistant Director B. Loughlin stated that staff did require the applicant to put together changes to the Paugus Woods condo docs and the proposed Langley Cove condo docs that reference the right to pass and repass for each association for each other. She is not sure the applicant was required to come up with a breakdown of cost sharing. That is something that could be entertained as a condition if the board wants to pursue that. R. Bole doesn't understand, logically or legally, how the residents of Paugus Woods are going to be responsible for paying for 30% to 40% of the traffic coming out of another development. He feels they should be two different developments having nothing to do with each other. D. Bownes agreed and feels there should be some accommodation on how the costs will be shared. R. Bole noted that the sewer and water pumps are in constant disrepair. He discussed the declaration of covenant and easements section 3.6 which is vague and left to interpretation. There are things in the document that are inconsistent and gave an example of the landscaping. He brought up the residents ability to install a gate at an entrance, but doesn't say which entrance. He asked the applicant when Paugus Woods is supposed to be turned over to homeowners. He paraphrased section 4 of his document "transition date to the homeowners would either be when they finish selling all the lots or two years from the date this was filed" which was Nov 2009. He feels the developer has deceived the town and that the development will not be finished. He feels the developer has deceived the residents of Paugus Woods as well. He feels that the developer put Paugus Woods on hold to keep the majority vote while the Langley Cove development is built so the residents have no say. He believes the applicant has deceived the town and he questions why there are no consequences for leaving things undone. It is bad for the neighborhood and bad for the town. He hopes the same doesn't happen with the Langley Cove project. There are infrastructure issues and the residents are stonewalled when those issues are brought up by the developer. Brady Sullivan hasn't collect any reserve money so when the development is turned over the association will be broke. There is poor drainage already and the roads will not handle any extra traffic because they haven't handled the low current traffic load. He is completely against the secondary access for the neighboring development. Paugus Woods isn't the only development that has had issue with the developer. He closed is remarks and handed out a document of past lawsuits.

Paul Wheaton of 537 Weirs Blvd spoke. He is an internal abutter. Some of his issue have been addressed but there is still a concern about the access association. He asked if he will be part of the association and was told no. He stated that he and a few others have beach rights and asked what will be done about the beach and residents using that beach. He asked if something can be put in writing stating the development does not have beach rights. Currently people are using the beach and fears that more people will be doing the same thing and overloading the beach. The beach is only 30 ft wide and there is barely room now. There are 4 or 5 camps deeded to the beach. He also asked what the surface will look like where the detention chamber is proposed to be and J. Rokeh noted it will look like a swale and will email details to Mr. Wheaton. He likes the idea of the bike path but fears the road is too narrow at the part in front of his house. J. Rokeh stated the transition to the project doesn't effect that area. P. Wheaton asked the board to consider the traffic.

Jack Hodge of 561 Weirs Blvd spoke. His concern is the road. He hopes the easements will stay, as the road goes through his property. He also feels the 25 MPH is going to be too high. There is also concern about his well being contaminated and asked about being hooked up to the water.

The public hearing was closed at 8:22 pm.

D. Bownes commented. With the situation from Paugus Woods, however the application for Langley Cove goes forward, if there is an approval, there has to be a provision that addresses the roads in their current condition in Paugus Woods, not just the access roads proposed to be built, but the entire road system so they are finished roads and the association is given the opportunity to become their own association. He is not sure the board can do that but it would be he would like to see a mechanism to be able to do address the concerns, if feasible. Planning Director D. Trefethen stated that staff has had contact with some of the residents of Paugus Woods who had concerns and part of the discussion with the applicant has resulted in the applicant repairing/rebuild Palmetto and Sarasota to the point of a new road. The second part is the future maintenance concern which is legitimate, and staff would like the board to give staff direction on how to handle that with the applicant so when the application is before the board if Feb, there will be a resolution. D. Broughton asked if a bond is put up for the roads and maintenance and Planning Director D. Trefethen said not for private roads, that is strictly the association responsibility. D. Bownes suggested getting a cost of the maintenance of the roads to the association have been for the last 2-3 years and project what additional cost of maintenance would be and run a percentage. Or to have Paugus Woods and 553 Weirs Blvd LLC to have a substantive conversation about what is going on and and come to some kind of agreement. There needs to be a mechanism to protect the increase in cost and project future maintenance of the roads as a result of the fixing of the roads. He would like a solution on more than the two roads. Planning Director D. Trefethen noted that the situation regarding the Paugus Woods in particular, is a difficult one for the present homeowners because they don't yet have control of the association. Staff is working with Brady Sullivan and looking to them to update the homeowners association document for Paugus Woods and create condo documents for Langley Cove that will address the pass and repass, egress and regress, etc. If as part of that the board wants staff to pursue some type of cost sharing, for future maintenance or increase maintenance that is going to occur, within Paugus Woods, because of the agreement, then it will be pursued. He needs that direction from the board by consensus. The board was in consensus. The proposal has been in the works for a number of years and has not seen anything contradictory of the documentation, and would encourage the abutters to share the documents they feel are different from what staff has. He also reminded the board that there are two applications to keep in mind, Langley Cove and Paugus Woods amendment. So the final determination will require two separate votes. The idea of having cross connection from a traffic flow standpoint, is a good thing, but comes with ramifications. But to have traffic flow able to go in different direction, is overall a good thing. The board asked staff to look at some kind of cost sharing regarding the roads in Paugus Woods. M. Limanni reiterated that the concern is the state of the roads when they are turned over to the association.

Motion to continue the application to February 6 made by D. Bownes, D. Broughton seconded. C. St. Clair wanted to note that he may not be present in Feb or March and would like to make sure the board looks at all the concerns. Planning Director D. Trefethen said staff is aware of the issues and some are out of the City's control. All voted in favor. Alternate M. Limanni did not vote.

7.II. PL2015-0142SP Amd; White Oaks Road, Paugus Woods Development; Proposal To Amend The Original Approval To Allow For A Second Access

Motion to continue the application to February 6 made by G. Denio, D. Broughton seconded. All voted in favor. Alternate M. Limanni did not vote.

The board took a five minute break.

7.III. PL2017-0106SU; 200 Garfield Street; Proposal Change The Form Of Ownership To Condominium

The public hearing was opened at 8:52 pm

Applicant: Atty Phil Brouillard gave the presentation. The property has been used as a construction yard for the last 7 years. There are three units on the property and they will remain. Existing uses will not change and unit B will be only residential use. There is a right of way to the property and that property owner is ok with that so the right of way will remain.

Staff Review: Assistant Director B. Loughlin read the staff review.

There was no abutter input.

Atty P. Brouillard noted that unit B owner will take care of the roadway but each owner is responsible for their own area of land.

The public hearing closed at 8:57 pm

Motion to approve the application to change the form of ownership to condominium with the dates and conditions as stated in the staff review made by G. Denio, C. St. Clair seconded. All voted in favor. Alternate M. Limanni did not vote.

8. 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.

- 8.1. PL2017-0109SP; 423 Main Street; Proposal To Redevelop The Existing Building To Residential Units As Well As Add 340 Sq Ft; Waiver For 80% Of The Impact Fee

The public hearing opened at 9:00 pm

Applicant: Steve Smith representing Landwild Holdings and applicant, Laconia Housing and Redevelopment Authority, gave the presentation. This is the former home of Melcher and Prescott. LHRA and the current owner have cross access easements currently, to use the parking. Those will be gone after since the same owner will be using both properties. The proposal is to convert the office building into 14 apartments for qualified seniors, ages 62 and above. They propose to add handicap parking to meet ADA requirements as well as construct a new entrance vestibule to house an elevator. The rear of the property is proposed to be modified to add green space. They would like to eliminate the Main Street entrance and make the new vestibule the main entrance. They will add a new entrance on the north end of the building to the parking. A new facade is also proposed on the building. The building will also be brought up to life safety code. The applicant received a variance for density Dec 19. The applicant is asking for a waiver of impact fee for 80%. The applicant is also making improvements to sewer and water.

Staff Review: Assistant Director B. Loughlin read the staff review. Staff supports the waiver request.

There was no abutter input.

C. St. Clair asked if the property will stay on the tax rolls and was told yes.

The public hearing closed at 9:14 pm

Motion to approve impact fee reduction wavier made by G. Denio, J. Tivnan seconded. M. DellaVecchia opposed. Alternate M. Limanni did not vote.

Motion to approve the site plan with the dates and conditions as stated in the staff review made by G. Denio, M. DellaVecchia seconded. All voted in favor. Alternate M. Limanni did not vote.

9. APPLICATION ACCEPTANCE Note: The Purpose Of This Agenda Section Is To Publicize That A Planning Board Application Has Been Submitted AND For The Planning Board To Determine If The Application Is Complete Enough To Begin The Review Process. PUBLIC INPUT IS NOT TAKEN AT THIS TIME. If The Application Is Accepted The Planning Board Will Schedule A Public Hearing At Which Time The Application Will Be Heard And Public Comments Will Be Accepted. Information About Applications Can Be Obtained On The City's Web Site Or By Calling The Planning Office.

10. NEW BUSINESS

10.I. Master Plan Update: Vision & Land Use Chapter Drafts

Planning Director D. Trefethen passed out the draft chapters for the board to take home and review. The city has been working on the update for some time. The Land Use chapter is very short and different from the last one version. The drafts will be posted on the website tomorrow. Staff suggests a public hearing be scheduled for either Feb or March and to be in effect soon after. He advised the board schedule a workshop prior to approving the drafts. Planning Director D. Trefethen went over key points of the drafts. This will begin a massive overhaul of the Zoning Ordinance, site plan and subdivision regulations. This should be accomplished by the end of summer, at the earliest, if the public hearing is in March. The goal is to get the regulations updated by the end of the year. C. St. Clair suggested the board let staff know the available dates for each member for the workshop and staff agreed.

11. OLD BUSINESS

C. St. Clair brought up a point of interest. There was a question on the year of the building at last month's meeting for 570 Union Ave and he found out it was built in 1950.

12. PLANNING DEPT REPORT

Planning Director D. Trefethen gave an update on Lakes Region Planning Commission. He noted that a few months ago staff was appointed to be on LRPC as liaisons and since then DPW has shown interest in serving on the commission. Staff wanted to know if the board was agreeable to allow this. The board had no objections.

13. LIAISON REPORTS

14. OTHER BUSINESS

15. ADJOURNMENT

Motion to adjourn made by D. Broughton, C. St. Clair seconded. All voted in favor. Alternate M. Limanni did not vote.

The meeting adjourned at 9:34 pm.

Respectfully,

K. Graham