

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

2/13/2018 - Minutes

1. CALL TO ORDER

W. Contardo called the meeting to order at 6:30 pm

2. ROLL CALL

Kalena Graham called the roll with the following members present: Dave Broughton, Michael DellaVecchia, David Bownes, Gail Denio, Michael Limanni and Chair William Contardo

Absent: Charlie St. Clair, Edwin Bones, Jay Tivnan

Chair W. Contardo explained that the application acceptance will be moved up after the extension and then the public hearings would be heard. M. Limanni was appointed as a voting member.

Planning Director D. Trefethen mentioned that J. Tivnan had given his resignation.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Director Brandee Loughlin

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

The minutes were distributed Jan 12 with no revisions

5.I. Acceptance Of Minutes For January 9

Motion to accept the minutes as submitted made by D. Broughton, G. Denio seconded. All voted in favor.

6. PRESENTATIONS

7. EXTENSIONS

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

Applicant: Kurt Mailloux was present and explained the extension request. The first three phases have been built and are constantly under improvement and expansion. By the time they break ground on the next phase, they intend to come back to amend the site plan.

Motion to approve the extension from February 6, 2018 to March 5, 2019 made by G. Denio, D. Broughton seconded. All voted in favor.

8. 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.

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

Chair W. Contardo appointed D. Bowes as chair after he recused himself from the following two applications and public hearing. He left the room.

The public hearing opened at 6:38 pm

Applicant: Jon Rokeh, Atty Mark Pinard and Atty Bill Philpot were present. J. Rokeh updated the board on the applications. At the last meeting, the board had asked the traffic engineer to look at the intersection of 11B and White Oaks Rd. J. Rokeh noted that J. Dirk, the traffic engineer, did what was asked: he did counts, he doubled all the counts to account for summer traffic, he accounted for all the different projects that being built or recently approved at this point, for what will be the conditions in the future at that intersection. There was basically nothing in failure. It functions at a level A at most times and C once in a while during the summer. At the end of 2028, for the full build out of Langley Cove site, nothing changes. It adds approximately 1 second on the average wait time at that intersection. The que for people trying to get onto White Oaks Road, is generally 1 to 2 cars if it's a busy time. There will be an exception to that rule. At full build out they are adding one car every three minutes at the intersection and the que time is approximately 25 to 30 seconds to get on to the road. The study showed that a separate lane would not be necessary for this development, but if the Surfcoaster site gets developed, that would be the time to add lanes at that intersection. So there is no need for considering a right hand turn lane at this time. According to the updated traffic report, staff agreed.

The applicant has been working with staff on the documents and have it down to just a few. Agreements are done and wrapping up everything with staff. Atty M. Pinard added that he sent over comments to the Water Dept that day and the applicant is in the last round of comments and expecting comment back.

D. Bownes asked how the applicant is with the 12/13/17 memo with respect to what staff was supposed to get.

Staff Review: Assistant Planning Director B. Loughlin read the memorandum of a summary of staff recommended conditions. There are still some items needed to be done for staff to give recommendation:

1. The agreement with the Water Department for the work to be performed on Weirs Boulevard must be finalized before TRC staff will recommend approval by the Planning Board.
2. DPW has outstanding concerns regarding the jack arch section of the bridge over Langley Brook. At this time, there is a requirement that no vehicles be allowed to drive over the jack arch section. The current drawings include a left turning lane into Langley Cove. Adding the turning lane requires that the road be widened and that the northbound travel lane be directed over the jack arch section. DPW needs the applicant to confirm at what point in the traffic volume of the project warrants the turning lane, and subsequent road widening, be installed. This should also include at what point the widening south of the development entrance must be installed, as the northbound travel lane must align north and south of the development entrance. Essentially, what volume of traffic entering/exiting the property warrants the road widening improvements? Once DPW has this number, we can discuss the development schedule and the anticipated bridge repair schedule. This is critical information as the bridge is not currently on NH DOT's ten-year plan and the condition of the bridge may limit the build-out of the development if numbers and timing are not addressed in time to ensure proper sequencing of build-out and bridge repairs.
3. The applicant has been working with staff to come up with a management plan that addresses the use of the land required for density (generally referred to as "open space" but not needed to meet any open space requirement). Staff has had a chance to review the applicant's proposed Open Space Management Documents and agrees with the concept suggested by the applicant. However, staff is requesting that the applicant reword the document so as to be less confusing to the average reader. As this will be a document eventually used by the resulting Homeowners' Association, it is important that the applicant consider using more layman language to ensure proper implementation in the future,

and for easier understanding for future unit owners.

Some conditions regarding concerns that have been brought up at the meetings and others are still what the city needs.

1) Steep slope and wetland buffer CUPs required to be approved by PB.

2) Architectural requirements:

Staff is pleased with the revised Moulton Cove plans. Staff continues to recommend the following additional changes:

i. More natural colors should be used for the all units, in particular the Evergreen style ones. Earth-tone, warm greys, browns, greens, in deeper colors are preferred. The lower levels should be a darker color to help them blend into the landscape better. Other nearby developments with pleasing aesthetics should be looked to, including the Christmas Island condominiums and the North Lodges. The colors and materials incorporated into the design make them more suitable to the area. ii. Garages, doors, trims, etc should NOT be white, as this stands out too much. They should stick to the darker earth-tones as described above.

3) Staff will review final street tree placement for each phase prior to the commencement of the following phase and before issuing C.O.s for the final phase.

4) Any changes in the proposed Phasing order must be approved by the Laconia Planning Board as a Site Plan Amendment

5) At the cost of the project proponent, water quality sampling of Langley Brook and Paugus Bay will be required pre-construction, during, and post-construction as required by the City.

6) The proposed Boundary Line Adjustment between 553 Weirs Blvd and 563 Weirs Blvd must be recorded prior to recording of the subdivision plan for the Langley Cove Condominium project.

7) There is no Lake access for this property as proposed. If access is provided to any of the unit owners to any lot within the City, Planning Board approval is required. This includes beach lot 216-248-1.

8) Planning Board should require that the project's contractor(s) meet with the City before each phase to have them show a phase-specific Erosion Control plan.

9) The water line work on Weirs Blvd must be completed prior to the issuance of any building permits. Combustible material cannot be stored onsite until adequate fire protections (such as hydrants) are in place.

10) Construction vehicles must arrive to the site from the southern portion of Weirs Blvd and exit heading

south only, so they do not attempt to cross the box culvert across Langley Brook, as this has been redlisted. 11) Construction vehicles must not travel through Paugus Woods, as the roads in this development are already in poor condition.

12) Applicant must install jersey barriers on the box culvert across Langley Brook to keep ALL vehicles off of the brick jack arch section.

13) The applicant shall provide 1/3 of the 20% cost for the replacement of the box culvert on Weirs Boulevard, whatever the amount. This must be received as part of the applicant's Site Security deposit.

14) A full-time, 3rd-party site work inspector, hired by the city and paid for by the applicant, will be retained for the entirety of the project, throughout each phase, INCLUDING THE BUILDING PERMIT STAGE, to monitor and ensure compliance with site work requirements, foundation, framing, and final build-out codes. The same inspector would also be monitoring items including but not limited to, earthwork including excavation, infill, soil compaction, foundation and/or slab pouring, and retaining wall construction. The initial deposit for these services will be \$20,000 to be included with your Site Security deposit, and will be replenished throughout the project as needed. If funds are not received for the 3rd party reviewer, all work shall stop immediately until funds are received and the reviewer is back on-site.

D. Broughton asked who will monitor the construction traffic. Planning Director D. Trefethen said City staff will be on site.

15) The roadwork along Weirs Blvd (adding turning lanes, deceleration lanes, etc) must include installation of sidewalks and bike lanes.

16) A deposit for the Weirs Blvd work must be submitted prior to beginning Phase 2.

17) The HOA/Condominium documents MUST include a maintenance plans for stormwater infrastructure, sanitary sewer, and fire protection systems.

18) A 3rd-party compaction tester, hired by the City and paid for by the applicant, must be on-site during appropriate site work and in the building permit stage, as needed during construction of retaining

walls, foundations, etc.

19) There shall be no construction with or stockpiling of wood materials for each phase until fire hydrants are installed in each phase.

20) Fire alarm huts and plans for each phase must be submitted to the Fire Department at least 3 weeks prior to the preconstruction meeting for each phase.

21) A sign must be erected prior to construction of each phase indicating the primary contact information, emergency contact information, and hours of operation for the site. Staff will provide you with an example. 22) Upon start of site work on the project, the developer assumes all responsibility for providing adequate access roads and continuous electricity to those lots that currently have access over the subject property (537 Weirs Blvd, 559 Weirs Blvd, 561 Weirs Blvd.). The developer will be responsible for 100% maintenance of access during and after construction until such time as the roads are turned over to the Homeowners' Association, at such time responsibility shall transfer to the Homeowners' Association. This shall include keeping the roads in condition passable to vehicles, plowing, sanding, etc.

23) Preconstruction: One month prior to the preconstruction meeting for each phase, the following items shall be submitted. Some items will require approval prior to the construction start. a. A construction sequencing summary

b. Construction schedule

c. CPESC prepared erosion & sediment control plan (SWPPP)

d. Traffic Control Plan

e. Construction inspection agreement

f. All state permitting for the construction phases

g. The DPW will require an Engineer's estimate of probable construction costs for determining the site restoration security.

24) 911 Unit Numbering: The DPW will provide a 911 address list for the buildings. The 911 numbers shall be included on the recorded plan. (Weirs Blvd - Langley Cove Development DPW TRC 2 comments for 8-092017revision 2). At such time that the project receives Planning Board approval, the DPW will provide 911 address assignments. (Weirs Blvd - Langley Cove Development DPW TRC 2 comments for 9-13-2017) 25) NH DES WWEB: The sanitary sewer design (drawings and technical specifications) will need to be submitted to the NH DES Wastewater Engineering Bureau for review and approval to satisfy the RSA 485-A:4 statute and Env-Wq 703 rules. (Weirs Blvd, Langley Cove Project - DPW TRC1 comments for 3-9-2011) 26) Sanitary Sewer:

a. DPW has received the third party review from Fluett Engineering. The evaluation concluded that the peak hourly flow from the development plus the existing peak hourly flow exceeds the available pumping rate of a single pump at the Langley Cove Pump Station. In addition, the new peak flow would exceed the capacity of the influent grinder at the station. DPW requests a condition of Planning Board approval be a requirement for the developer to cover the costs of the purchase and installation of a larger capacity influent grinder selected by the City. We anticipate the costs for product and installation to be approximately \$ 55,000. (Weirs Blvd 553, Langley Cove Project - DPW TRC 2 comments for 1-2016).

b. Based on the findings of the third-party sanitary sewer review, the developer has agreed to pay the cost of installing a channel grinder at the Langley Cove sanitary sewer pump station. In our 3-23-2016 comments we estimated the cost at \$55,000. Since then we have received a more refined quote of \$40,000. (Weirs Blvd Langley Cove Development DPW TRC 2 comments for 8-09-2017revision 2) 27) Construction inspections, testing and as-builts:

a) Developers must pay for construction inspections to ensure facilities are constructed in accordance with City construction standards. The inspectors will be retained by the DPW and will be on-site on a full-time basis. Payment of inspectors will be through an escrow account funded by the developer and managed by the City. This will be part of the Construction Inspection Agreement. (Weirs Blvd, Langley Cove Project, DPW

TRC1 comments for 5-09-2012)

b) Near full time construction inspection will be performed by a third-party engineering firm. The firm will be selected by the DPW with the firm to be paid by the developer through the construction inspection agreement. The construction inspection agreement must be signed no later than the pre-construction meeting date. An initial deposit of \$20,000 must be provided for construction inspection services. The construction inspection fund must be replenished by the developer when necessary. The balance of funds at the end of the job will be returned to the developer. Failure to replenish funds shall be cause for construction shut-down. (Weirs Blvd - Langley Cove Development DPW TRC 2 comments for 8-09-2017revision 2)

c) The sewer system will need to be tested by an independent testing company with documentation

provided to DPW. The testing shall include vacuum testing of all manhole structures, pressure testing of all mains, and mandrel test of all mains. Video inspection may be required in some circumstances for verification purposes.

(Weirs Blvd Langley Cove Condo project, DPW TRC 2 comments for 8-22-2012)

d) DPW will require a Sanitary Sewer As-Built plan which will include SMH locations, distances from SMH's to individual wyes, ties and depths to stubs, ties to services and clean-outs, and rims and invert elevations of

SMH's. (Weirs Blvd Langley Cove Condo project, DPW TRC 2 comments for 8-22-2012)

e) A stormwater (drainage) as-built and sanitary sewer as-built shall be provided to the Department of Public Works at the completion of each construction phase. The drainage as-built shall include rims and inverts, pipe material, and pipe diameters. Elevations of outlet control features, elevations of ponds. The sanitary sewer asbuilt shall include rim and invert elevations at each sewer manhole, pipe size, pipe material and distances from the manhole to service wyes. It shall also include dimensions (swing ties and distances off corners) of the service from the wye to where it enters the building. (Weirs Blvd 553, Langley Cove Project - DPW TRC 2 comments for 1-2016)

f) DPW requests a condition of approval be that a certified professional in erosion and sediment control (CPESC) be retained by the developer to oversee implementation of and inspect erosion and sediment control measures for each phase of construction. The CPESC prepared erosion & sediment control plan must be submitted to the Planning Department at least one month in advance of the pre-construction meeting. The CPESC must send weekly reports to the Conservation Technician during construction so that the City can ensure all proper erosion control methods are being employed and to make sure that precautions are taken if inclement weather is predicted. (Weirs Blvd - Langley Cove Development DPW TRC 2 comments for 8-09-2017revision 2)

g) Construction inspection will include, but not be limited to, inspection of all road construction, drainage, site work, retaining walls, building site work and utilities within the development and on Weirs Boulevard.

28) Weirs Blvd. Improvements:

a) DPW will require a 1" overlay over the entire extent of improvement limits with a milled taper of 1" to 0" over 35' at each end of the limits of work. We will also require that 6" PVC under-drain be installed along the northerly edge of pavement. Sheets 14 and 15 should include construction notes indicating such and include a detail for the milled taper and under-drain. (Weirs Blvd, Langley Cove Project - DPW TRC1 comments for 3-9-2011)

b) DPW wishes to clarify that the project limits along the Blvd. shall be re-claimed and paved with a 2½' base course and 1½" top course paved according to NH DOT placement methods of compaction (including rubber tired rollers). The 4" pavement depth is DPW's new pavement spec. on high traffic roads. DPW will also require that the water main replacement work northerly on the Blvd. be reclaimed full road width and paved with the same specs. Please remove the note on sheet 17 regarding a 1" overlay. (Weirs Blvd Langley Cove

Condo project, DPW TRC 2 comments for 8-22-2012)

c) The City has changed the pavement profile for arterial roads. The Weirs Blvd. pavement restoration for the off-site water work will have thicker pavement than shown on Sheet 3 of the Water Main Extension plans. We will have a report from a geotechnical engineer soon that will include recommendations for our arterial roads. It will likely be no thinner than 5 ½" thick with two base lifts and one wearing course lift. (Weirs Blvd - Langley

Cove Development DPW TRC 2 comments for 8-09-2017revision 2)

d) Changes to the roadway on Weirs Boulevard, including modifications to the storm water drainage system and the increase of impervious surface will result in the need for a vegetated swale/BMP in the area across from the entrance on the west side of the roadway. Brady Sullivan will be required to financially contribute to the cost of designing, constructing and maintaining the BMP which will be installed by others. (Weirs Blvd -

Langley Cove Development DPW TRC 2 comments for 9-13-2017)

29) Upon opening the connection between Paugus Woods and Langley Cove, the developer MUST repair those portions of Sarasota Lane and Palmetto Lane most likely to be traveled by Langley Cove residents. This includes any associated drainage issues.

30) Staff recommends the installation of a two or four-way stop sign where Palmetto and Siesta lane meet. Assistant Director B. Loughlin noted that this should read that a 4-way stop sign is

recommended at intersection of Palmetto and Siesta.

31) If there is not already a stop sign where cars would turn from Palmetto onto Sarasota, one should be installed there. After further discussion with the applicant she asked the board to disregard this note as there is already a stop sign proposed.

D. Broughton asked what kind of safety there will be for kids and busses and J. Rokeh said they will look into a bus stop. Lighting can also be looked at for the entrance of the development as well. Planning Director D. Trefethen noted that one thing the board asked for at the last meeting that had not happened yet was the cost sharing discussion with the applicant regarding the road maintenance. D. Bownes thinks #29 needs to be more specific as to what staff is looking for the applicant to repair or bring up to speed. Staff responded with pavement and drainage issues. He asked what the applicant will do to address concerns that have been raised by residents of Paugus Woods in regards to the condition of roads that is now going on more than 10 years. This is a huge project and will impact the city. He would like to move forward and address the issues on a long term basis. J. Rokeh noted that Paugus Woods has not come to the half way point of construction. Phase three is another 45 units and several roads. When that gets under constructions again, there will be more construction vehicles that will have nothing to do with Langley Cove. D. Bownes understands but feels that shouldn't prevent how the issue will be addressed.

Abutter input:

D. Bownes acknowledged a letter to the board from Dennis Peterson.

Dennis Peterson of 6 Palmetto Lane spoke. He has been an owner in the Paugus Woods development since

2010 and fears the applicant will not finish the development. He has significant concerns about the developer, Brady Sullivan, because of the lack of consideration for bylaws, poor quality of work and the impact this will have on residents. Over the last couple of years Brady Sullivan has been involved throughout New England with lawsuits as result of their work. He named a few of the towns, Laconia as well. He has had issues with his foundation and spent thousands to fix the issues of his home. Cracks in the foundation have caused flooding and have had to replace flooring and furniture and lost many valuables due to the result of the damage. Each time he reached out to try to resolve the issue, he was told it wasn't the developer's problem. He has looked into the city records for inspection details and found nothing. His intent with all this is to bring attention to the seriousness of the issues and the problems that have been caused and are continually overlooked by the developer. He wants the board to do a full investigation into the contractor; their practices and why they continue to be able to develop in NH. He asked the board be more involved in the oversight of future developments. All of the past issues should have been watched by the City of Laconia. He feels this Planning Board has the ability an obligation to correct the mistakes from the past. The residents of Paugus Woods are owed retribution of mistakes from the past. By allowing the new access road to go through Paugus Woods, the residents are being victimized again. If this approval moves forward he would reach out to the Attorney Generals' office to launch a full investigation on how the contractor is able to keep working in this area. He is amazed at how the City can entertain the developer's request by the track record. The ethical and moral thing to do by the board is to protect the residents of Paugus Woods from future heartache and financial ruin.

Marilyn Barbeta of 96 Sarasota Ln spoke. She also has issues with cracks in her foundation. She asked how the city can grant access for a completely separate entity through a private area. This will affect the residents of Paugus Woods because they will be the ones to pay maintenance and snow removal. This will also add to the amount of people on the road and there is no room. The sidewalks are not plowed so people need to walk in the road.

Paul Wheaton of 537 Weirs Blvd spoke. He is concerned about the dwindling numbers on the board. He gave Jon Rokeh credit and his willingness to work with the abutters. His concerns are the bike path and the more traffic this will entail. He understands the traffic study but in reality the road is already really busy. He asked who will be sanding and salting the new road into the development. His concern is that the developer will not take care of it and there will be accidents due to the steepness of the road. The developer has shown that they can't take care of existing development now. He feels the city is asking for problems. He asked about construction hours or if there will be restrictions on truck traffic. Planning

Director D. Trefethen said that would be an item covered in the preconstruction meeting, to make sure the hours are reasonable. P. Wheaton continued and discussed the road way they currently use. There is currently no maintenance on the access road and he has taken on the responsibility of taking care of the road. J. Rokeh noted there is an easement that the abutters have to go over the property but it is a common driveway at this point. P. Wheaton is concerned about the change of his address. Planning Director said the address change is from staff not the developer for the 911 standpoint. P. Wheaton reiterated the fact that the developer has shown that they don't take into consideration what the paper says and that he would probably end up putting a driveway in to not have to deal with it. A conversation then ensued between the audience and D. Broughton regarding the existing conditions of Paugus Woods' roads.

Marilyn Barbetta asked about the water pump at Paugus Bay. It got hit by lightning and the Paugus Woods residents that use that pump got assessed for \$700. If the residents at Langley Cove will be using the pump as well, will they be paying fines as well when things happen? Planning Director D. Trefethen noted that is one of the things being worked out between the applicant and the Water Dept.

Atty Mark Pinard answered some of the questions and suggested doing a name search in the complaints. He explained there is monetary interest from both of those individuals. In terms of private driveways, Brady Sullivan doesn't have an obligation to maintain. He has not heard of any problems with the roads in Paugus Woods. The audience disagreed. He suggested if there are complaints about the plowing, Brady Sullivan needs to know so they can talk with the contractor. He clarified that he hadn't heard of any plowing problems. Atty M. Pinard agrees to the conditions for Langley Cove, made by the City, subject to some tweaking.

Tom Miller of 27 Siesta Ln spoke. He stated that recently there was a special assessment for the plumbing of a waste line that was put in which would cause backups. It was repaired and assess hundreds of dollars. This was common property where they had to dig up and questioned that insurance should have covered the issue. The residents don't know if the developer collected insurance and still charged the homeowners. There is no recipication back and forth. He is also concerned with the deplorable shape of the roads and the lack of maintenance.

Sandy Bedford of 14 Siesta Ln spoke. She is the neighbor of the sewer back up and had a six foot wide path cut across her whole yard. She couldn't access her home for a week. They have been back seven times for fix the lawn and driveway. She was never consulted on any of the work, just came home to people digging up her property. She was told that the top coat had not been done on any of the driveways, on Siesta, so it would be ok and the driveway would be fixed in the spring. She now has a gully in the driveway and is waiting until spring to see what will happen. She was told that would be redone when all the roads were redone. The landscaping company has redone the lawn six times and she had reseeded it herself four times as it didn't take. The person they were told to call "Beth" who is not responsive. There is irresponsibility on Brady Sullivan. They are not there for the people in the complex. She suggest that before the board consider allowing the second access make sure the access for Paugus Woods is done. She suggested putting a stipulation that the development of Langley Cove not be started until Paugus Woods is fixed.

The hearing closed at 7:36 pm

D. Bownes asked for board input. M. DellaVecchia can't understand why this access road can't be put anywhere else so they don't cut through Paugus Woods. Atty M. Pinard stated the Langley development was intended to be the second access from the beginning. The second access for Paugus Woods will be Langley Cove. When the homes in Paugus Woods were purchased it is stated in those documents. M. DellaVecchia thought he saw where a second road was proposed for Paugus Woods without the Langley Cove development. Atty M. Pinard stated that was a thought early in the process and was abandoned. The Langley Cove access became the final solution. That is why it was included in the Paugus Woods documents, prior to any of the houses being sold. M. DellaVecchia sees this more as a problem than solution. Atty M. Pinard asked why there would be a need for another access for White Oaks and asked if Weirs Blvd access would be better. M. DellaVecchia agreed but why a second road that bypasses the residents can't be built. Atty M. Pinard answered by saying they are here to get Langley approved not to redesign Paugus. He added that the issues about pipes and lawn are all common land. The homes were bought with common area and it was built as a cluster development. M. DellaVecchia understands and asked J. Rokeh about the bridge redevelopment. He

was under the assumption that the developer was rebuilding. J. Rokeh said there had always been a cost sharing that is in place. If it goes through the federal program, the city would pay 20%, the developer would pay 80% plus a third of the city's 20%. Assistant Director B. Loughlin stated that the timeline is what they are trying to resolve so it can get on a list at some point.

Motion to continue the application to March 6 made by M. DellaVechhia, D. Broughton seconded. All voted in favor.

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

The public hearing opened at 7:42 pm

D. Bownes asked if there was more that the applicant would like to add; the applicant had nothing further to say.

Abutter input:

Dennis Peterson asked for clarification of the applications. D Bownes explained. D. Peterson mentioned that if the plan was in place for the second access, then why was Paugus Woods plan have a lot where the road would be? He asked wouldn't the development be planned with the road and not a lot?

The public hearing closed at 7:44 pm

Motion to continue the application to March 6 made by G. Denio, D. Broughton seconded. All voted in favor.

9. 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.

10. 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.I. PL2018-0002SP, 2018-0003CUP(Parking); 291 Union Ave; Holy Trinity Proposal To Relocate School And Interior Renovations; Waiver For 80% Of Impact Fees

Staff told the board the application was complete and ready to schedule the public hearing.

Motion to accept the application as complete and schedule the public hearing for March 6, 2018 made by G. Denio , D. Broughton seconded. All voted in favor.

11. NEW BUSINESS

12. OLD BUSINESS

13. PLANNING DEPT REPORT

## 14. LIAISON REPORTS

## 15. OTHER BUSINESS

### 15.1. Referral Of Public Hearing For Master Plan Draft Chapters

Planning Director D. Trefethen explained the process and intentions of the chapters. He then went into detail on the two chapters. D. Bownes said the committee looked at an approach to zoning to allow flexibility and yet still be in a position to exercise reasonable control. Planning Director D. Trefethen would like to have approval after the public hearing in the next few meetings. Planning Board is the final approval, not Council, for the Master Plan.

The city appointed a Master Plan Steering Committee last year to help define an updated Master Plan Vision Statement and Land Use Chapter. The committee was made up of 3 members of the PB, 3 members of the City Council, and a member of the public. Planning staff from the city and the Lakes Region Planning Association helped as well. The committee held numerous meetings throughout 2017.

The Vision Statement (page 1) not only sets up the vision for the Land Use Chapter but also for future updates to other chapters (Economic, Transportation, Natural Resources, etc.).

The Vision Statement is intended to be high level and brief, but realistic and achievable. Statements, goals, and recommendations in the Land Use and other chapters should be consistent.

The INTRODUCTION to the Land Use Chapter explains the purpose of the Master Plan overall and how the updated LAND USE CHAPTER came about.

The proposed Land Use Chapter is a significant departure from the previous 2007 version. It is very short...on purpose...and it contains a limited number of specific recommendations and goals. There was an attempt not to introduce any "pie in the sky" statements and to minimize the usage of planning buzzwords and concepts that may currently be in vogue. Although there are some very important planning concepts presented.

The overall message that the proposed document conveys is two-fold. The first is the city wants to drastically change our zoning regulations to better encourage development, both residential and nonresidential. The purpose would be to streamline our rules and regulations and make it easier for development to occur, but without sacrificing important quality of life and quality of the environment standards. The second message is "The city is open for business."

Here are a couple of examples concerning zoning regulations that are envisioned to be changed. Currently the greater downtown area is divided into 9 zones and a few overlay districts, each subject to their own zoning rules, use restrictions, and sign rules. The recommendation is to create one greater downtown district that would have one set of rules and regulations. A good example where change is needed is highlighted by the Sign Ordinance. For example, sign sizes on Canal Street should not be different depending on whether you're on the north or south side of the street or depend on which part of Main Street a business is on.

Zone consolidation makes for more equitable development opportunities for similar properties within close distance to one another. Not only in the downtown area, but for other types of zones as well. We currently have 4 different types of Industrial Zones. Historically lines were drawn and zones were created and defined largely based on what was already there or some preconceived notion of what should occur. Examples are the older industrial buildings in the greater downtown area and the Industrial Parks. Realistically we would not want to deny any prospective type of business from any of these properties. What is needed instead are zoning rules that allow many types of uses but have regulations that guard against noise and pollution, for example, to protect abutters.

Recent development trends in Laconia are well known. Lots of higher end "second home" construction or so called subsidized housing. Another goal highlighted in the proposed document is to facilitate mid-

level priced homes and at the same time to grow our commercial base. A growing commercial base can provide property tax stabilizations and job opportunities, and in many cases the commercial base and the mid-priced homes go hand in hand.

The map on page 6 illustrates projects that have been approved that still have buildable units remaining... more than 500 units...most in the higher end price points. Recently there have been few commercial proposals.

The mix of commercial property vs. residential needs to be modified to achieve property tax stabilization and to provide employment opportunities.

Currently only 15% of developed property is nonresidential and that number should be closer to 30-35%. It won't happen overnight, but the recent creation of the state commission for the redevelopment of the state school property could be a good kick start. However the land in that area is currently zoned wrong for the types of job creating uses being envisioned.

The proposed Land Use chapter recommends extending the zoning modifications to areas surrounding the state property and to also look including the Hilliard Road area for mixed use opportunities. See the Future Land Use Map on page 14 with the highlighted areas being the areas of the city where zoning modifications could lead substantial opportunities.

Laconia proposes a pro-population growth land use strategy, with a focus on mid-market residential housing. This strategy differs greatly from what Laconia has been pursuing the past couple of decades and also is very different than what most communities in New Hampshire are emphasizing.

To achieve this strategy requires the following:

- Patience and promotion – It takes time and consistency
- Performance Zoning – more about this later
- Partnerships – Need to make our decisions WITH stakeholders and create public/private partnerships, when possible.
- Parking – The perennial downtown problem. We need to make a decision.

Many of the areas targeted for development need infrastructure, particularly water and sewer service. This will require creative thinking for ways to pay for that, because if it isn't there, nobody's interested in doing anything. This leads us to the idea of Performance Zoning. This relatively new but widely used concept accommodates greater flexibility in the land use planning process. Instead of defining a zone and restricting what can be done in it, you instead give a short list of what can't be done (environmental rules for example) and then give leeway to proposals and let the developers convince the Planning Board their proposal is right for the land in question. It gives the PB much latitude in what is allowed on any given lot or area.

You can combine Performance Zoning with development agreements where in return for project approvals there are set milestones and values that need to be contractually met. Laconia could have more than one Performance Zone, perhaps 2 or 3. The Parade Rd/Elm street intersection area, the Weirs, and the greater downtown and you could always include other areas in the future. These different areas could have different or similar criteria.

This brings us to actual, concrete future Land Use recommendations:

- Re-evaluate greater Downtown Zones – Instead of 7-9 zones with different regulations, create one.
- Performance Zoning – Define the criteria and apply to multiple locations in the city.
- 79-E and 72:80-83 Tax Incentives – Already in use, expand their use.
- Review the Housing Redevelopment Overlay District – Not currently working – Revise or create a different concept.
- Façade Improvements – Let's get our store fronts and front porches looking nice.
- Parking – Not just downtown but Lakeport as well. Not just a quantity discussion, but also a regulation review.
- Mixed Use Zoning – Could be combined with Performance Zoning but also could be incorporated on

its own in current zones.

- Tax Increment Finance Districts – Currently three active, maybe need more in targets areas.
- Planned Unit Development – Goes hand in hand with Performance Zoning and Mixed Use Zoning. Think of a Southdown situation but with some office and commercial uses mixed in. Self-contained areas.
- Commercial Resort District – Revisit what can be done to revitalize the Weirs and immediate surrounding areas. Again see PZ, MU and PUD.
- South Main Street – An underutilized gateway to the city, lots of existing traffic and some mixed use already.  
Encourage more.
- Rural Residential Zone – RR1 & RR2 needs to be redefined to better achieve the look desired without all the current restrictions.

What needs to be done now?

The first step is to approve the Vision Statement and the Land Use Chapter.

The planning Board needs to refer the documents to a public hearing at the March 6th meeting. In the meantime, review the actual documents and this summary and provide feedback soon. We are trying to reach out to the public to make them aware of the draft versions and to get other feedback. After the public hearing I would suggest approval at the April 3rd meeting.

Then the hard work begins! Staff will be bringing updates and revisions to the Zoning Ordinance including the Use Chart, the Site Plan regulations and the Subdivision rules. This will be on going for the rest of the year and maybe into 2019. The PB will need to schedule public hearings on these proposed revisions, and of course, will need to approve them and recommend to the City Council approval of the zoning amendments.

Not trivial.

Motion to schedule the public hearing for the Vision statement and Land Use drafts for March 6, 2018 made by D. Broughton, G. Denio seconded. All voted in favor.

## 16. ADJOURNMENT

Motion to adjourn the meeting made by M. Limanni, D. Broughton seconded. All voted in favor.

The meeting adjourned at 8:42 pm

Respectfully,

K. Graham