

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Armand A. Bolduc City Council Chamber
Accepted May 7, 2019

4/2/2019 - Minutes

1. CALL TO ORDER

Chair Peter Brunette called the meeting to order at 6:30 pm.

2. ROLL CALL

Kalena Graham called the roll with the following members present: Sarah Jenna, Brett Beliveau, Charlie St. Clair,
Dave Broughton, David Bownes, Michael DellaVecchia, Edwin Bones, Claudia Marshessault and Peter Brunette

Absent: William Contardo, Jay Forester

S. Jenna and B. Beliveau were seated as full voting members for the evening.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director, Dean Trefethen and Assistant Director, Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance of March 5 minutes

Motion to accept the minutes of March 5 as submitted made by E. Bones, D. Broughton seconded. All voted in favor.

6. PRESENTATIONS

Chair P. Brunette stated a change to the agenda for the public hearings to be first and the presentation will follow.

6.I. Updated Master Plan Implementation Proposals

7. EXTENSIONS

7.I. 05-014SP, 017CUP(wetland), 018CUP(alt. parking), 2015-0134SP; 95 Centenary Ave, AKWA Marina; extension request

Applicant: Kurt Mailloux was present to explain the extension request. The project is not complete and the applicant has been chipping away at each project and slowly moving forward. There has been a lot done at the marina.

Motion to approve the extension to May 5, 2020 made by D. Bownes, 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.

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.
 - 9.I. Public Hearing to amend Article III, adding section 235-14:P to the Zoning Ordinance as well as associate tables, to create a new zoning district

Planning Director D. Trefethen stated that he gave the presentation at the last meeting and the board referred the two proposals to a public hearing tonight. There is a slight revision to both proposals that will be presented after the public hearing portion. He feels it would be confusing if he went over the revisions before the public hearings.

The public hearing opened at 6:32 pm

Pat Wood of 717 Shore Drive spoke. He has an office in the downtown and think this it's a great idea putting the commercial area under one district. It will give a better understanding of where the commercial properties are and how they can be used. He is in favor of the simplification factor.

The public hearing closed at 6:33 pm

- 9.II. Public Hearing to amend Article IV 235, adding section 21.1, to the Zoning Ordinance to implement Performance Zoning in specified areas of the city

The public hearing opened at 6:33 pm.

Pat Wood of 717 Shore Drive spoke. He thinks this is a major step forward in the review of how commercial property is treated and a positive step. Although he is concerned about the end of section b, he might understand the intent but the language is too broad. Language is important to determine intent. As he understands it, the property and how they would function on the site would be looked at rather than the type of use. He feels we need to be more flexible and understanding that businesses don't always fit in one size.

Kim Koulet of 42 Orchard Street spoke. He is concerned about making Laconia a viable and desirable place. He thinks that comes out of the planning. When he looked at the Master Plan, he didn't see the drivers that were promoting the proposed land use changes that were happening. There was no substantive analysis that was done in the environmental, economic development or transportation sections. There is a minimal vision statement and a land use section that seem to automatically say let's go into this type of approach to make the changes we see desirable for the city. He didn't see where the dots are thoughtfully connected in terms of what, how and why these particular proposals are being developed. The context seems to be missing and you have to have that in a comprehensive plan to substantiate any challenges to what is implemented in the zoning ordinance. That's why the Master Plan seems to be more of a studious document but in fact, it's the foundation and rationale for what comes out of the zoning ordinance. Usually innovative land use controls are designed for a specific purpose. You want to see a more diverse and innovated economic development of the downtown area. So to get there the performance standards need to be met. He feels this has solid intent but the language doesn't convey that and give a citizen an understanding of why a land use that may have never existed before, all of a sudden pops up. He suggested the Master Plan chapters be amended in order to tie in with the changes for the zone. Only having the vision and land use sections for the Master Plan work well in small towns, not a city like Laconia. Chair P. Brunette noted the changes arose out of the Master Plan Steering Committee (MPSC). The committee continued to meet after the last revisions were done, in order to discuss how to implement these things. This is based on other communities that had similar demographics and housing stock and similar urban conditions. The desire of the Planning Board and the MPSC was to make it more viable for people to come in and engage in the redevelopment of the urban core especially.

D. Bownes gave a brief history on the work over the last few years with the chapters of the Master Plan and the performance zoning. K. Koulet asked if the chapters were brought forward and approved and D. Bownes stated they weren't approved. Amendments were completed but never approved formally. They are on the slate for consideration. The City did what was needed first then go back in and capture the other chapters and bring them up to date. So what was approved was the Vision Statement and Land Use chapter. Moving forward with the part of the vision statement that says performance zoning might be a benefit.

Karen Barker of 129 Lane Road spoke. She noted the paper copies don't show the highlighted area and to go online to see where the overlay is. It was interesting to her that the primary focus on redevelopment, which makes sense when talking about the core of the city, but moving out of the core and toward parade road area, we aren't really looking at redevelopment. One of her concerns is that this is the first step towards opening up the greenspace left in Laconia. She wanted clarification on how the overlay works. The zoning that is currently there remains in effect and the overlay is on top of that, where in the sense something comes in front of the board, you are able to essentially disregard all the requirements of the zone. Chair P. Brunette stated disregard wouldn't be the correct term. She changed that to nullify. Planning Director D. Trefethen said in general yes but in practice, the board would be cognizant of the underlying regulations and would like to effort to conform to them. A developer would be able to choose either traditional or performance. Chair P. Brunette understand the conservation concerns involved, but the commission involved in the old State School property are driving the train and the city wants to be able to have orally and control of the redevelopment of that site. The McIntyre circle seemed like a logical tie in. She is not partially in favor of the overlay in certain parts of the city. She understands the reasoning for the old State School property, but her real concern is the creeping upward. The areas is the last real nice green space in the City. There is so much talk of growing but it doesn't make a lot of sense when the core has more empty spaces than the rest of the city.

Tom Cudsman spoke. He started by stating that Laconia is a unique place and cringes when we are looking around, not getting the best but doing what everyone else is doing. If the surrounding area was doing something good, he would be living there. He feels the document can't be legal because he can't imagine going into a court with this language. He feels the document is diffuse, up to individual interpretation instead of legal definition. He gave some examples. Wonders when the Planning board got permission to be a judicial body vs the Zoning board.

Tom Barker of 129 Lane spoke. His concern is that there doesn't seem to be a plan but more of a "seat of the pants" way, leaving all the options open. How is a decision made if the parameters are uncertain? Lack of planning is a concern, which is how it comes across to him, with the limited study. He just found out about the new zoning change three days ago and made some suggestions. A big chunk of the city and the last green space in the McIntyre circle area. People are coming for the natural beauty. His biggest concern is the north end of the city because of greenspace, water drainage that goes into Opechee and the huge development potential of properties surrounding.

Dick Castrucci of 25 Leewood Drive spoke. He asked if the Zoning Board had any input on the proposal. Chair P. Brunette deferred that to Planning Director D. Trefethen. D. Castrucci then asked if there were any ZBA members present and M. DellaVecchia stated he was on both boards. D. Castrucci asked if the ZBA was ok with the change of authority and asked if that takes away some of the ZBA responsibility. Chair P. Brunette agreed.

Rueben Bassette, spoke as business owner of Laconia, property owner and a member of the MPSC as well. It is important to come to meetings to know who has a say with the City. He feels the downtown area needs changes. The zoning needs to be fixed. Change is scary but the area needs to go in a different direction. Balance is important as well with both the downtown and rural parts of the city. He supports the move forward. What is currently on the books, is not working. He also encouraged people to be heavily involved in the process of council elections as that is where it starts.

Chair P. Brunette state at the last MPSC meeting, authority was discussed and it was understood that the Planning Board would need to up the game. Training will occur to develop a level of expertise that the board has not always exercised in the past. The key is flexibility, doing the same thing over and over and expecting a different result, hasn't worked. The bottom line is that land use is controlled based

upon a certain set of principles and those principles are not going to change, from his understanding. He is appreciative of the comments.

Pat Wood understands concerns being raised. He feels this might be because people don't understand the Planning Board process. It is a different process from the Zoning Board where the Planning Board has broader outlook with more than just looking at plans. This gives the Planning Board, landowner and abutters a detailed opportunity to review a specific proposal. There is substantial input from Planning Board, community and city government and abutters. Allowing the planning process to review the proposals are better than pushing a proposal right to the ZBA. He feels it wouldn't hurt to continue the public hearing to the next meeting in May.

The public hearing closed at 7:22 pm.

Planning Director D. Trefethen gave his presentation. He stated that the MPSC met after the last Planning Board meeting and more changes came about. These revisions will require a second round of public hearings. He addressed a few questions that were brought up in the previous comments. Council has final approval of this board's recommendation. He discussed the revisions to the now called Urban Commercial zone that will run from the Belmont line, along Court Street, to the traditional downtown area, along Union Ave through Lakeport, to the Gilford line at what is called McIntyre Circle (where Shaws is now located) and several side streets like Messer and a few others currently in the DR (Downtown Riverfront) zone.

D. Broughton feels the presentation should've gone first. D. Bownes noted this came out of the MPSC the night after the Planning Board meeting. The change doesn't affect the old State School property, what is impacted is the Urban Commercial zone from Belmont line to the Gilford line. Planning Director D. Trefethen understands D. Bownes' desire, but is attempting to err on the side of caution, but there is a strong desire by Council to move this along and by no means to be rushed. There are time sensitive issues, primarily with the performance zoning in relation to the old State School property. Although he doesn't believe that anything substantially will occur there for some time, the plans and how they are formulated are affected. His concern is that if there are substantial comment to pause the process, then the recommendation will be put off. Chair P. Brunette stated that he's rather the board be more deliberative and maximize the opportunity for public input. This is the single biggest change in the city in a long time. A fundamental change that shifts the balance of power change between the boards. It is a powerful tool and wielded in a way that benefits the public as well as developers. It works best when understood.

Motion to refer the public hearing revisions to 235-14 adding a new section G, Urban Commercial District definition, revisions to section 235-46-C Off-Street Parking, and revisions to a new section 235-21.1 Performance Zoning Overlay District to May 7, 2019 made by D. Bownes, C. St. Clair seconded. All voted in favor.

- 9.III. PL2018-0105SP, 0110SU; 135 Weirs Blvd, Boulevard Commons; proposal to change the third unit to residential which would make a multifamily building and internal adjustments between the units

Applicant: James Foderaro was present to explain the proposal. The building had been converted to condominium form of ownership and used to all be commercial units. Currently there are two residential units in and would like to make the last commercial unit residential.

The public hearing opened at 7:58 pm

abutter input:

There was no one to speak for or against the application

The public hearing closed at 7:59 pm

Staff review: Planning Director D. Trefethen read the staff review. He gave a brief background. The building was originally a commercial property with camp sites in the rear. Over the years the units have

converted to residential. D. Broughton asked if these will be seasonal and was told no. The property also has docks.

Motion to approve the site plan and subdivision application with the dates and conditions as stated in the staff review made by M. DellaVecchia, D. Broughton seconded. All voted in favor.

9.IV. PL2019-0017SPamd1; 195 Davidson Drive; Southdown Shores Boat Club; proposal to replace steel boat pallet rack system in kind and associated site work

Applicant: Nick Sceggell, from Dubois & King; Bruce Wright from Irwin Marine; Peter Cassell, SDBC President; Dave Ritchie, SDBC Board and Steve Murfitt, SDBC Board were present. B. Wright gave the presentation. The proposal is to replace the 218 dry berths with a steel rack system. The application has been through the TRC process. N. Sceggell explained the engineering details. All drainage goes to the existing catch basin on the site. Currently, the surface is gravel which is proposed to be paved. There is an existing shed on the property that will be replaced. The steel racking system sits on stone with underdrain under stone and collect runoff that doesn't get infiltrated. The applicant is reducing impervious surface of 10.5%. Site lighting and security cameras will be installed, regulation compliant. The green space landscape buffer will be maintained. The current structure was put in when the development was put in, in the mid 1980s. Southdown boat club has stringent standards that are followed.

The public hearing opened at 8:14 pm.

Abutter input:

Jay Spadaro representing the Beach Club association spoke. There are 19 units in the association. 5 buildings directly abut the area. Concerned about green space and landscape plan. There is a line of white pines that create screening, currently, and the new plan will turn the racks perpendicular to the trees. With the proposal to have the center racks go up three levels vs the two levels, this will impact the view. Currently there is noise from the forklifts and dirt and dust they create, which the pavement will help with. The dumpster location has moved and he just wants to make sure the impact to abutters will be limited. He added that screening has not been properly maintained and that is the main concern.

Tony Caruso of Rockport Dr. agreed with the previous abutter.

B. Wright passed out pictures of an overview for the area. Plantings will happen after the racks are put up to see where they need to be put in. D. Bownes would like to see a plan for the landscaping. B. Wright said there is a substantial buffer currently there and will only be some open spots that will need to be filled in.

Frieda Yueh, President of the Rec Association spoke. The boat club is the most popular amenity and one of the most important assets to the development. It is the most critical and the biggest investment made in the community and needs to go well. She has spent many hours personally to figure out how to make it work for everyone. She feels landscape renderings can be helpful.

J. Spadaro showed a picture of the current screening of trees. There is no foliage on the lower part of the trees. Chair P. Brunette asked if there was any plans rendered to show landscaping. J. Spadaro requested the two associations get together as a condition to go over the landscape plan.

Stephen Murfit, member of the Boat Club board and Southdown Council spoke. There were three major areas where the abutters were unhappy: the dust from the gravel, which was addressed by paving the area; the sound of the forklift, which was addressed by widening the aisles to have less movement and the location of dumpster, which has been moved away from the residences. They have also been considerate of not removing any of the trees around the boundary. The current state of the racks are not good and it is a safety issue. He feels that they could have done a better job with plans but the will is to work with the neighbors on the landscaping.

Chair P. Brunette asked if there was a discussion on doing a landscape plan and B. Wright said it had

been discussed at TRC and that it would be evaluated and addressed. Staff agreed it was reasonable. The berths will be shut off after Labor Day for construction and spring plantings.

The public hearing closed at 8:51 pm

Chair P. Brunette asked about tabling the application and having staff work with the applicant. B. Wright stated timing and contracts would need to be in place and asked about making an approval contingent on that. Chair P. Brunette asked if they could look at areas and narrow down where the plantings would be.

Motion to continue the application to May 7, 2019 and direct the Planning Dept to get together with the applicant to address the landscaping made by D. Bownes, B. Beliveau seconded. C. St. Clair hopes to get the plans worked out. All voted in favor.

9.V. PL2019-0026SU; 7 & 17 Church Street, Tavern Inn Housing; proposal to subdivide into two parcels

Motion to accept the application as complete and open the public hearing made by D. Bownes C. Marshessault seconded. All voted in favor.

Applicant: Steve Smith representing the Tavern Inn Partnership explain the proposal. The lot has frontage on many streets. There is separate sewer and water connections. The tenant currently on 17 Church Street would like to buy the building. There will be cross easements for gas and parking. There are separate sprinkler systems. There will be no changes on the site or uses expect for the property lines.

The public hearing opened at 9:12 pm

Abutter input: Jim Daubinspec owns Daubs Cobbler shop at 25 Canal Street. He was wondering about the parking situation and S. Smith said they will still use the parking spaces on the 17 Church property.

The public hearing closed at 9:14 pm

Staff review: Assistant Director R. Mora read the staff review.

Motion to approve the subdivision application with the dates and conditions as stated in the staff review made by D. Broughton, C. Marshessault seconded. All voted in favor.

9.VI. PL2019-0027SP; 580 Union Ave; proposal to remove a portion of the building, re-organize parking, add sidewalk and change the use from retail to eating/drinking place

Motion to accept the application as complete and open the public hearing made by D. Bownes, C. Marshessault seconded. All voted in favor.

Applicant: Steve Smith spoke for the application. The lot is currently 100% covered by building and pavement. The proposal is to remove the north section of the building and rebuild the retaining wall. The access point will be adjusted to make for only one. Currently all stormwater drains to Union Ave to a catch basin but will infiltrate and then the rest will run to the catch basin. The applicant is installing sidewalk with new curbing and add 22% of green space. There will be handicap parking and a ramp. Both water and sewer lines will be replaced. They are working with DPW on the time line as Union Ave is being resurfaced and they want to get utilities in before the road is done.

The public hearing opened at 9:29 pm

Abutter input:

There was no one to speak for or against the application

The public hearing closed at 9:29 pm

Staff review: read the staff review.

Motion to approve the site plan application with the dates and conditions as stated in the staff review made by D. Bownes, B. Beliveau seconded. All voted in favor.

- 9.VII. PL2019-0028CUP(wetland); 575 Endicott East; proposal to move and regrade the driveway and build a garage

Motion to accept the applicant as complete and open the public hearing made by B. Beliveau, C. St. Clair seconded. All voted in favor.

Applicant: Jen McCourt of McCourt Engineering gave the presentation. The property is located just north of the Gilford town line. The proposal is to move the entrance of the driveway 88 ft. The existing driveway grades vary from 8% up to 24% and ends at 11% at the existing house. The proposal is to create a safe drive off the road with less of a dip so vehicles won't bottom out. Kind of a reverse platform area. The slope at the beginning of drive which is in the 50 ft wetland buffer will be minimized. There is proposed to be 27 ft of disturbance in the wetland buffer. Double silt sox will be put in for protection.

The public hearing opened at 9:41 pm

Abutter input:

There was no one to speak for or against the application

The public hearing closed at 9:41 pm

Staff review: Planning Director D. Trefethen read the staff review.

Motion to approve the conditional use application with the dates and conditions as stated in the staff review made by C. Marshessault, E. Bones seconded. All voted in favor.

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. PL2018-0080SU; New Hope Drive; proposal for a conventional 22 lot subdivision

Applicant: Atty Pat Wood, representing the property owners Don and Frances Bossey spoke. Over the past week there has been more communication with the property buyer and engineer. The wetland scientist went out to the site, but with the early snow the survey work wasn't able to be completed. Atty P. Wood has been trying to get information for the last few months and finally heard something. It will take about 45 days for the surveyor to get out and prepare the plans, weather dependent. Atty P. Wood requested an extension of the application acceptance to the June 4 meeting to allow for the 45 days. He feels optimistic.

Planning Director D. Trefethen asked if July would be better and a TRC in June and Atty P. Wood is not sure. It would depend on when the plans get done.

Motion to continue the application acceptance to June 4 made by B. Beliveau, D. Bownes seconded. All voted in favor.

D. Bownes left at 9:30 pm

- 10.II. 03-007SP amd1, PL2019-0024CUP (watercraft storage); 95 Centenary Ave & 470 Scenic Rd Akwa Marina Yacht Club; proposal to amend the site plan to have winter watercraft storage in the existing parking lot

Motion to accept the application as complete and schedule the public hearing for May 7 made by D. Bownes, S. Jenna seconded. All voted in favor.

- 10.III. PL2019-0029SP; 33 Lexington Drive; proposal to construct a 7975 sf building ~waiver requested for wetland mapping/CCS

Motion to continue the application acceptance to June 4, 2019 made by D. Bownes, C. Marshessault seconded. All voted in favor.

11. NEW BUSINESS

12. OLD BUSINESS

13. PLANNING DEPT REPORT

Planning Director D. Trefethen stated that the latest revision should be posted on the website by tomorrow.

He also wanted to make the board aware that Council is taking a crack at short term rentals and working which will be before the board in the future.

14. LIAISON REPORTS

Chair P. Brunette stated that his first LRPC meeting is tomorrow.

15. OTHER BUSINESS

Chair P. Brunette reminded the board that registration is open for the Planning and Zoning conference and all are encouraged to go.

16. ADJOURNMENT

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

The meeting adjourned at 10:04 pm

Respectfully,

K. Graham