



City of Laconia
Zoning Board of Adjustment
Monday, Month XX, 2018 - 6:30 PM
City Hall in the Armand A. Bolduc Council
Chamber

4/17/2023 - Minutes

1. CALL TO ORDER

Steven Bogert Called the meeting to order at 6:32PM

2. ROLL CALL

Scott Pelchat read the roll call in attendance Roland Maheu, Jane Laroche, Michael DellaVecchia, Chair Steven Bogert, Mike Foote, and Marcia Hayward.

3. RECORDING SECRETARY

Recording secretary Scott Pelchat

4. STAFF IN ATTENDANCE

Staff in Attendance Planning Director Dean Trefethen, and Zoning technician Scott Pelchat.

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

minutes were accepted as written and voted on unanimously.

5.I. Zoning Board Of Adjustment

6. EXTENSIONS

ZO2021-0013SE - Watson Rd. Applicant is seeking an extension to an approved special exception. Article XIII Administration and Enforcement. Section 235-81 duration of permits (D) extension of approvals.

6.I. ZO2023-0013SE Watson Rd

Steve Bogert asked the applicant to come forward to speak on the extension request. Dan Moeller one of the owners of Watson Woods LLC spoke seeking a six-month extension on a previously gained variance, looking to receive extension to allow for more work to be done on site. Steve Bogert asked the board to form a motion. Mike Foote motioned to allow for an extension request be granted to allow for continued work on the property. It was seconded by Roland Maheu and was passed unanimously by the board.

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.

- 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.
- 9. ZO2023-0005VAR Lafayette St.

This application for variance was withdrawn

- 10. ZO2023-0020SE Lafayette St. Special Exception

ZO2023-0020SE – Lafayette St- Applicant is seeking a special exception from Article VII Supplementary Provisions. Section 235-41 Residential accessory uses. A. (13) to allow for the construction of an Accessory Dwelling Unit in the RS Zone where this use is by special exception only. Steve Bogert Addressed the Room stating the applicant wanted the Special exception application to be read first. Chris Boldt spoke as the agent for meridian properties. Chris went forward in the description of the ADU and how it would look like part of the main structure also included driveway layout, and all other interior and exterior aspects. Chris stated the design is as such to avoid a box style look to the home. Chris also went over the criteria to be met to achieve this ADU in this zone. Chris stated that Tim Longs daughter would be the occupant of the residence. The ADU and main building is a single structure. Steve Bogert stated to Chris that an ADU is not to be used for short term lodging Chris acknowledged this as stated. Steve opened to the public at 6:50PM. Nicholas Grenon 158 Lafayette St, Abutter stated this use might make a precedence for future lot Development in this neighborhood. Steve addressed that this is a right for the property owner. Always will have to have owner occupancy to maintain the ADU usage. Mr. Grenon stated there are no rentals on this street and does not want this street to change. Steve stated again that this is a usage that is achieved by meeting certain criteria and an ADU is not a multifamily home. Gail Ober Lives on Lafayette and is in support of the ADU at this time and would like to see more usage Gail gave her approval again on this structure stating that this city is in a housing crunch, and we need more housing. Does not see a character change for the neighborhood because of this. Maryse Smith spoke prior in opposition to this, feels it's a little ironic that one of the reasons opinions didn't matter because we are not abutters. Stated she understood this is a right that's gained by special exception but also stated that regardless of it will have a change on the neighborhood. Mike DellaVecchia told Maryse that in February we did listen to the neighborhood, and that this is by right and Mike explained to Maryse that this is a criteria based special exception. Bill Tarallo 153 Lafayette St

Lives next door to property and is against this project stating traffic woes and children playing in the neighborhood would possibly be a safety problem. Believes the neighborhood should be single family only. Steve Bogert assured Mr. Tarallo that this will be a single-family home. Steve went to length to explain to everyone the Construct of what an ADU is. Closed to the public at 7:05PM. Chris Boldt stated he had nothing further to add. Marcia stated they met all the provisions, and she said it was a go for her. Mike Foote Said we had run into some of this stuff before and that he feels it's a reasonable request. Michael DellaVecchia made a Motion for special exception as provided to the board as written.

1. **The use requested is specifically authorized in this chapter.** True the property is in the Rs zone; and the table of permitted uses (235 Attachment 2) expressly lists ADUs as allowed in this zone by special exception.
2. **The requested use will not create undue traffic congestion or unduly impair pedestrian safety.** True. The property is located at the end of Lafayette Street adjacent to the PSNH/Eversource substation and power line right of way. This is a residential use in a residential zone and will not create undue traffic congestion or pedestrian Safety issues any more than any other residential use in this neighborhood.
3. **The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.** True This is a residential use in a residential zone and will not overload any municipal services or significantly increase stormwater runoff any more than any other residential use in this neighborhood.
4. **The Requested use will not create excessive demand for municipal police, fire protection, Schools, or solid waste disposal services.** True. This is a residential use in a

residential zone and will not overload any other residential use in this neighborhood.

1. **Any special provisions for the use as set forth in this chapter are fulfilled. Pursuant to zoning ordinance section 235-41(A),** The following provisions apply and are met.

5. . This Request was withdrawn by the applicant due to the granting of the special exception for an ADU (REF) ZO2023-0020SE.

11. ZO2023-0016VAR 137 White Oaks Rd

ZO2023-0016VAR- 137 White Oaks Rd. Applicant is seeking a Variance from Article VI Dimensional Standards. Section 235-34 Minimum lot frontage. Seeking a variance from the 250-foot road frontage where currently 169 feet exist. Shaun Dutile proposed a subdivision of his property stating the variance sought is for road frontage to sub divide the lot. Shaun stated new hope drive neighbors do not have on average the 250 feet of road frontage either so it would stay in character with the neighborhood. Mike DellaVecchia asked about the remaining acreage of the lot. Shaun stated he would be keeping a larger part of his lot and selling the smaller lot on New Hope. Dr. Marcia asked Shaun to show on the map the proposed lot. Steve Bogert asked Shaun the breakdown of acres of the proposed sub divide. Roland's question was clarified by Dean. Mike DellaVecchia asked if Shaun was building a house on the smaller sub divided lot Shaun said no, they plan on selling the lot. Steve Bogert opened for public comment at 7:15PM Mike Mills Spoke on behalf of the project and is in favor of this stated he walks new hope every day and this would fit in this neighborhood. Closed to the public at 7:17PM Dean Trefethen stated that if the board were to allow for this variance this would still need to go to the planning board. Mike Foote stated that the access to this lot is seemingly larger than the other lots surrounding it. Steve stated in his opinion it looked per the drawing that Mr. Dutile's lot frontage is still larger than others in the neighborhood. Mike Foote made a motion to accept this application for variance for road frontage.

1. Granting the variance would not be contrary to the public interest because: The proposed lot would match the surrounding lots

2. If the variance were granted, the spirit of the ordinance would be observed because: This variance would not affect surrounding properties and stays consistent with the character of the neighborhood.

3. Granting the variance would do substantial justice because: The additional property from the subdivision would eventually be sold in a market that needs it.

4. If the variance were granted, the values of the surrounding properties would not be diminished because: There was no information presented to confirm or support the diminishment of properties values in this neighborhood.

5. Unnecessary Hardship: Road frontage on New Hope Dr. being less than the 250 feet needed.

Marcia Hayward seconded the motion, and it was passed unanimously.

12. ZO2023-0018SE 75 Belmont Rd.

ZO2023-0018SE -75 Belmont Rd. Applicant is seeking a special exception from Article VII Supplementary Provisions. Section 235-41 (Residential Accessory Uses) A. (13) to allow for the construction of an Accessory Dwelling Unit in the RG Zone where this use is by special exception only. Ralph Alexander Jr. stated that he feels he meets all the criteria. Steve asked if it would be attached and or detached. Ralph stated it would be detached. Steve asked the Size of the ADU Ralph stated 24x30 and that it was 720 square feet. Mike Foote asked about the setbacks in this zone and Ralph stated he had met the front back and side setbacks. Steve asked if there was a house on this lot and as of now Ralph stated there was on the opposite side of Durkee brook. Roland asked if it was Durkee brook that ran through his property and Ralph stated yes. Marcia Asked the applicant if the driveway entered the property on Belmont Rd. Ralph answered not that the street was Overland St. Marcia than asked that the driveway would come from Overland St. for the ADU. Mike Foote asked if he would be near the river and if this river had a constant

flow. Ralph stated there was a 75-foot buffer around the Brook and it was his understanding this would be a planning board item. Dean stated indeed the planning board would need to happen to allow for a CUP (conditional use permit) to allow for use around the buffer. Marcia Stated that the plans of the structure itself were not there and would it be something at planning board level. Steve stated that ADU's have defined guidelines on structure so at this time a footprint of location would be fine. Mike DellaVecchia asked about the main structure on the property and access to it. Marcia asked who would live in each unit Ralph Stated his father would live in the main house and he would reside in the ADU. Steve Bogert opened to public discussion at 7:26PM and closed to the public at 7:26PM. Roland Maheu asked the board am I was the only one that looked at this property, Marcia stated she had as well. Roland suggested the board put the application aside until the entire board had a chance to see the property and what it looks like. Roland stated that he felt it was unsuitable for an ADU due to its present condition. Roland stated, "Because it's a dump ladies and gentlemen that's the best way I can describe it". This was met by an exchange between the applicant and Roland and was quickly remedied by Chair Steven Bogert. Mike DellaVecchia asked Steve Bogert about the driveway situation. Ralph Alexander Sr. Spoke about the current driveway situation as it predates normal permits as there is no record and that at some point, he was denied another driveway. Stated his original drive was from Overland St. Mike Foote Stated application would require more details and that the cup is something that could inhibit this. Steve Bogert went through the questions that would allow this use 1. Are ADU's allowed in this zone by special exception? It is. 2. The requested use will not create undue traffic

congestion or unduly impair pedestrian safety? It won't. 3. the requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. No further runoff and the brook would shed the runoff. Steve also stated that if the special exception was to be granted that if the applicant could not achieve the CUP at planning board that the special exception would become null and void. Marcia stated that she was ok with that provision. Mike DellaVecchia asked about the 75-foot buffer, and he did not feel comfortable granting the variance because of such. Steve Bogert stated that the planning board level would get more vetting on requirements. Dean Trefethen Stated that the building being within this buffer is granted by planning board after consideration by conservation. Steve went on to describe the process back to the board for steps of the planning process. Mike emphasized his unsureness about this proposed Special Exception. Steve Bogert went through the criteria points to allow for usage.

The motion was made by Steve Bogert to deny the Special Exception because of section G in the facts supporting the special exception G the proposed location is appropriate for the requested use. It was seconded by Roland Maheu. Mike Foote asked if there was a path forward for the applicant Steve answered he did not have an answer to that. And the denial was unanimous.

13. ZO2023-0010STL 34 Driftwood Dr.

ZO2023-0010STL -34 Driftwood Dr. Abutter is appealing the permit for short term lodging under RSA676:5. Article VII Supplementary Provisions. Section 235-41(Residential Accessory Uses) M. (C) [1]. Approval based on owner occupied in the RS Zone. Thomas Selling addressed the board as the filer of the appeal. Thomas handed out maps to the board. Thomas stated that he is an abutter to the property and that per the boards talk this evening that the use is permitted in the city. But the application was accepted and approved in less than two days and was incomplete. Thomas went on to state the imperfections of this application stated owner did not provide proof of ownership. Thomas also Stated that he felt the applicant did not meet certain requirements to achieve the permit. Also stated the provision in her deed reads that the lot shall be used only for single family usage and that no commercial business be conducted. Thomas Selling went on to describe the domicile definition and how it was not met by the owner of the permitted property. Also stated that he wanted the decision reversed. Mr. Selling then said he had an issue with the permitted calculation of parking as well as the potential use of the beach next to 34 Driftwood Dr. Mr. Selling stated that he felt the living space was a disqualifying factor as well. Steve Bogert asked if this was the same property that went to appeals and it was not. Steve Bogert asked for the appropriate documentation that supports the decision that was made. Dean gave the credentials of ownership. And stated that only one item needs to be met and that the permit was met under owner occupancy. As for the deed these aspects are not considered due to short term lodging usage not truly being a commercial business usage. Thomas Selling brought the point of the fact statements may seem one way but true proof is not available. Steve Bogert Stated that if you have these credentials say otherwise Thomas stated you

are assuming this. Steve Bogert explained his point of the credentials and how the facts look in comparison. Thomas stated as well that he did not see the license on file. And that there needs to be a document signed for proof of residency. Steve assured Mr. Selling that we are here to hear all parties. And that they had satisfied the criteria to achieve this permit. Mr. Selling stated the burden of this falls on the Abutters. And asked for an adjustment for the number of cars. Steve suggested that there are ways of reporting problems during the STL. Dean Trefethen advised Mr. Selling on how to lodge complaints. Jean Rival spoke to voice her extreme opposition to this permittance of this short-term lodging and stated that this neighborhood is not suited for short term lodging and blamed the planning board for this also referenced to other areas that control their short-term lodging better than Laconia does and stated she was offended by this. Jean stated the association beach is a particular bone of contention.

Steve Bogert explained to Jean the criteria and how it is used.

Jane Veazey Mcfadzen spoke regarding Driftwood drive and the history of the neighborhood and stated Judy Franseen is the only full-time resident on Driftwood we have a sign that says dead end. Very concerned with the beach and overflow parking wish someone would look at the property. Concerned with stipulations and does she understand them. Wished the neighborhood had been notified prior to permittance. Jane stated she did not know Judy franseen because she is never there. Steve asked her if they were a homeowner's association, and it was found that they are a beach association. Steve asked why the beach association did not have stickers to identify members. Mike Foote asked about the reserved lot and Jane stated that Judy is not a member of the beach association.

Scott Davis president of the association problem and or concern that he would have to be beach police. Talked on the structure of beach association deed provisions. Stated true concern was cars trash added usage to their beach. stated the letter was not received due to addresses on file being incorrect.

Steve Thanked everyone and assured them the minutes are looked at and are reviewed by other boards and members.

Bruce Cheney said had no intention of speaking on this appeal stated the planning board should address proof of ownership wants to increase by 220 days a year. The whole issue is the owner needs to be there. And that short-term lodging should ask for a statement from the owners under penalty of perjury. Expressed residency requirement be in place.

Steve advised the board this was an administrative decision appeal. And that criteria was lodged for ownership. Steve advised the ordinance is written this way. Steve went on to explain to the board that the way things are written state this ordinance is written in such and as the guidelines are structured for purpose. Dean Clarified to the board the reason and rationale behind the process and in conversation with applicants the truth usually comes out. Dean stated that in NH all you need is a license and the current ordinance state that is a qualifying document. Steve made a recommendation for a moratorium until the action is taken. Dean advised the board on the correct process to make this happen Stated June meeting might be the earliest to start for this to start. Marcia stated the audience had expressed such unhappiness about the permitted use of this. Dean advised the board on how the revision process of appeal review was done. Roland reread the statements from the filed appeal and asked if this criteria was met. Dean Trefethen explained to the board again that one criteria was met and that the size of the structure is only a qualifying factor for seasonal. Mike Foote asked the date of permittance, and it was advised as February 24th. Mike Foote asked for a review of the application and asked who reviewed it Dean stated it would be him that would review the application. Steve asked for a motion.

Marcia motioned to review the application for the permit of short-term lodging to be reassessed. This was seconded by Roland Maheu and Steve went on to state that the application be reviewed, and it was unanimous that the appeal being accepted.

14. ZO2023-0003STL 1121 North Main St.

ZO2023-0003STL - 1121 Old North Main St. Applicant is appealing the denial of short-term lodging Per RSA 676:5. Article VII (Supplementary provisions) Section 235-41 (Residential Accessory Uses) M. (C) [1].

Denial based on owner occupancy. Applicant has chosen to be heard at the May ZBA meeting.

15. ZO2023-0006SE 485 Endicott St.

ZO2023-0006SE – 485 Endicott St. Applicant is appealing the denial of short-term lodging Per RSA 676:5. Article VII (Supplementary Provisions) Section 235-41 (Residential Accessory Uses) M. (C) [1]. Denial based on owner occupancy. Steve asked if the applicant for 485 Endicott St. and it was advised to the board they were not. Kevin Field advised the board that the applicant was not present. Steve stated the applicant would need to be here. Steven also found it was the third meeting for this applicant. Steve stated that the application be terminated without prejudice it was motioned to be terminated and it was unanimous.

16. OTHER BUSINESS

Other business the board discussed the short-term lodging situation as it stands.

17. ADJOURNMENT

The meeting was adjourned unanimously at 9:18PM

DRAFT