



City of Laconia
Zoning Board of Adjustment
Monday, April 20, 2020 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

4/20/2020 - Minutes

1. Public Participation

Planning Director, Dean Trefethen, read the Introduction for electronic meetings: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen to the meeting, which was authorized pursuant to the Governor's Emergency Order.

However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means; We are utilizing the Zoom platform for this electronic meeting.

All members of the Board have the ability to communicate during this meeting through the Zoom platform, and the public has access to watch the live YouTube video at <https://www.youtube.com/laconianh>, listen to this meeting through dialing the following phone # 1-312-626-6799 or +1-646- 558- 8656 or participate by the Zoom app: Webinar ID: 912 4974 9909 password 941215.

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Laconia's website at https://www.laconianh.gov/AgendaCenter/ViewFile/Agenda/_04202020-1229?html=true.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 524-3877 x 249 or email at: zoning@laconianh.gov

d) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time. Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

2. CALL TO ORDER

The start of the meeting was delayed briefly to allow for all members to be operating on the Zoom platform. Chair Steve Bogert called the meeting to order at 6:47PM

3. ROLL CALL

Present: Steve Bogert; Orry Gibbs; G. Ober (via Zoom); Roland Maheu (via Zoom)
Absent: Michael DellaVecchia Mike Foote

S. Bogert addressed the applicants, he informed them that with only a four member board, a 3-1 vote would be needed to pass. The applicants were offered the opportunity to be heard or to continue until the next meeting when there may be a full board.

Attorney Stephen Nix, agent for the applicants for Application ZO2020-0005SE and ZO2020-0006VAR, opted to postpone the application to the May 19, 2020 Zoning Board of Adjustment meeting.

Applicant Gabriel Schweier (via Zoom) opted to move forward with his application ZO2020-0016SE

4. RECORDING SECRETARY

K. Santoro, Zoning Technician

5. STAFF IN ATTENDANCE

Dean Trefethen, Director of Planning & Community Development

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.I. March 16 2020 Zoning Board Of Adjustment Meeting Minutes (PDF)

O. Gibbs made a motion to accept the minutes of March 16, 2020 as presented.

R. Maheu seconded the motion

All in favor (4-0)

7. EXTENSIONS

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. ZO2020-0005SE 358 & 366 Leighton Ave N Special Exception Application (PDF)
Moved to May 19, 2020 Zoning Board of Adjustment meeting.

9.II. ZO2020-0006VAR 358 & 366 Leighton Ave N Variance Application (PDF)
Moved to May 19, 2020 Zoning Board of Adjustment meeting.

9.III. ZO2020-0016SE 58 Gables Drive Special Exception (PDF)

Applicant Gabriel Schweier outlined his application for Short Term Lodging to the Board. He noted that he has been doing it for several years (and provided documentation from 2014 to present) utilizing a local rental agent. He noted that he has not had any issues with the renters.

The Board discussed the application and clarified the answers to the Special Exception application questions with the applicant. The Board had concerns to the number of people allowed, parking, etc. D. Trefethen explained that those issues are part of the Short Term Lodging permit application process. The Special Exception being applied for is the first step to allow the applicant to apply for a permit.

At 7:09 PM S. Bogert opened the public hearing. Due to the short delay on Zoom the Board waited a few minutes to allow the public to speak/call in.

At 7:13 PM, with no one to speak for or against the application, S. Bogert closed the public hearing.

The Board asked the applicant about Southdown and the Village that he is located in. The applicant noted that the village allows short term lodging and that he has not received complaints. At this point, a member of the public indicated that they would like to speak, they had a technical issue and could not correct it while the public hearing was open. S. Bogert allowed him to speak, he identified himself as Peter Thompson, Treasurer for the Gables Village. He noted that the village has a minimum of one week stay for short term rentals, each unit has assigned parking, and that, due to the unique character of each unit, the number of people is not a set number. He wanted to clarify this as the Board had questions regarding these issues.

The Board briefly discussed the answers to the questions again.

O. Gibbs made a motion to approve Application ZO2020-0016SE 58 Gables Drive Special Exception to allow Short Term Lodging.

- a. The use requested is specifically authorized in the chapter; AND
The use is allowed by Special Exception in the RS Zone
- b. The requested use will not increase demand for municipal services; AND
The unit is rented to same number of people who live there; there will be no additional demand on municipal services;
- c. Any special provisions for the use as set forth in this chapter are fulfilled; AND
Granting of the Special Exception meets any special provisions;
- d. The requested use will not create hazards to the health, safety, or general welfare of the public; AND
The unit is rented to families; it will not create hazards to the the health, safety, or general welfare of the public;
- e. The requested use meets ONE of the two following criteria:
(1) The applicant can demonstrate that the use in question has been common practice at this specific property and structure for a period of not less than five (5) years prior to the enactment of the Short-Term Lodging Ordinance:
The applicant has provided copies of rental company agreements dating back to 2014, meeting the five year requirement.

Discussion: The board discussed what would occur if the property were transferred to another owner.

O. Gibbs amended the motion to include the condition that the Special Exception would no longer be valid if the property were to change ownership name.

G. Ober seconded the amended motion.

All in favor (4-0)

10. OTHER BUSINESS

The Board had a brief discussion regarding the recent City Council meeting in which they are requesting a re-hearing of a Short Term Lodging application. The Board noted that they will review the request as they do all requests, based on its own merits.

11. ADJOURNMENT

At 7:52 PM R. Maheu made a motion to adjourn the meeting

G. Ober seconded the motion.

All in favor. (4-0)