

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Armand A. Bolduc Council Chamber
Draft Minutes

5/3/2022 - Minutes

1. CALL TO ORDER

Chair Peter Brunette called the meeting to order at 6:35 PM.

2. ROLL CALL

Members present: Kirk Beattie, Brett Beliveau, Bruce Cheney, Charlie St. Clair, Rich MacNeill, Mike DellaVecchia, Stacy Soucy, Sarah Jenna, Scott McWilliam, Louis Joseph, Peter Brunette

Chair P. Brunette noted there was a quorum and welcomed the new member L. Joseph to the board.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Planner/Zoom Host Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance of April 5 minutes

Chair P. Brunette declared the minutes accepted with no objection.

6. PRESENTATIONS

6.I. Presentation on revisions to the table of dimensional requirements

Planning Director D. Trefethen went over the dimension table and the proposed changes up for discussion. He noted the Master Plan Steering Committee has been meeting on a regular basis and there has been many discussions on the chart. The main categories being looked at are density and greenspace. The height is also on the table but the MPSC has not come to consensus on any numbers so that will be left up to the board and public. Staff has researched the surround communities and similar cities and towns to Laconia for comparisons. Staff is not proposing any changes to height. The goal is to have as many properties conform.

S. Soucy noted that Concom understands the reason for the changes and hoping for the least amount of greenspace reduced.

The board can table the discussion or schedule a public hearing on changes. B. Beliveau would like a definitive answer on numbers before bringing to the public. C. St. Clair would like to hear from the public on numbers.

Motion to schedule the public hearing with the table presented by staff to June 7, 2022 made by C. St. Clair, S. McWilliam seconded. All voted in favor.

7. EXTENSIONS Note: The purpose of this agenda section is for the board to consider requests from applicants with previously approved projects to extend the deadline dates. The board may also deliberate the request, decide and conduct a final vote at this time. PUBLIC INPUT IS NOT TAKEN ON EXTENSION REQUESTS.

- 7.1. PL2019-0092SP; Endicott Street East MBL 187-72-7; Endicott Street East Solar; request to extend the approval to install solar garden on City property

Applicant: Brandon Shenfield explained the reason for the request. They acquired the property after the December Legislative rule change.

Motion to approve the extension request to August 1, 2023 made by C. St. Clair, S. Jenna 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.

- 8.1. PL2013-0100SP amd3; 264 Lakeside Ave, Tower Hill Tavern; Amend the approval to allow the business to have inside music until 2 am

Applicant: Anthony Santagate addressed the board via phone as the Zoom connection was not working. He would like to extend the previous approval of music until 1 am to 2 am inside only and only on weekends and special events. He is in process of apply to city council for being able to serve alcohol later. B. Cheney pointed out that the applicant has put in a lot of work on soundproofing and doesn't see an issue with an extra hour. Chair P. Brunette suggested A. Santagate try to have the patrons be mindful of the surroundings when exiting the bar. A. Santagate stated he had a meeting with the LPD and there will be more officers in the area to help with that. He has spoken with two of his neighbors and has not heard of any issues with his request.

The public hearing opened at 7:21 PM

Abutter Input: Joe Bayusik of 31 Carriage Lane addressed the board via Zoom. He is in favor of the application. His daughter worked for the applicant last summer and feels it's a great starter job for college kids home for the summer.

The public hearing closed at 7:23 PM

Staff Review: Planning Director D. Trefethen read the staff review. He Clarified the special events comment. There have been no complaints to staff regarding noise and one noise complaint reported to police.

Motion to approve the amendment to have music until 2 am on the weekends and special events made by S. Jenna, B. Beliveau second. The motion passed 7-2; B. Beliveau, B. Cheney, C. St. Clair, R. MacNeill, M. DellaVecchia, S. Jenna, P. Brunette for and K. Beattie, S. Soucy opposed.

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.

- 9.1. PL2020-0098SPamd1, 0099CUPamd1(perf zoning), PL2021-0067SU; 49-63 Elm/10 Railroad Ave Proposal to amend the site plan and CUP as remanded by the Superior Court

Chair P. Brunette recused himself for the next application. S. Soucy stepped in as Vice Chair and appointed S. McWilliam a voting member.

Motion to accept the application as complete made by K. Beattie, S. McWilliam seconded. All voted in favor.

Applicant: Ron Decola and Peter Howard were present. Ron Decola addressed the board. The site plan was remanded back to the ZBA and Planning Boards per the Superior Court to show that the steel pilings that the judge said are a structure and needs to be shown on the plan.

P. Howard gave a brief history of the project. He showed the location of the pilings and noted they are 30 inches below grade. No other changes to the plan have been made from the previous approvals.

The public hearing opened at 7:38 PM

Peter Brunette, trustee of 15 Park Street addressed the board. He noted this is the third time speaking as an abutter before the board. He spoke in favor and defended the application. The whole character of Lakeport Square is changing. He has no issue with the developer. His problem is with staff and the Planning Dept because he feels let down. He was unaware of the pilings and proximity to his property until they started putting them in. The vibration driving them in has done a lot of damage. There was no mention of the pilings on the plan or in the staff review. He is not trying to impede progress of the developer. He is looking to avoid litigation. His request to the board is to oppose conditions on the approval.

Vice Chair S. Soucy requested a five-minute recess at 7:49 PM for a non meeting with Legal Counsel and returned at 7:59 PM

P. Brunette summed up his comments and briefed the board on the court remand and the last ZBA meeting. P. Brunette feels the CUP should be readdressed. He went through his request to the board:

1. Landscaping: The applicant is required to engage the services of a suitable landscaping contractor and/or tree surgeon to make improvements and repairs, including plantings and tree restoration, under the Trustee's direction, along both property lines that abut the Trust property. The trench along the southerly boundary line of the Trust property will be backfilled with rich loam and/or compost soil;
2. Driveway Repair: The applicant is required to apply 1 inch of asphalt pavement to the driveway on the Trust property, in addition to the improvements and repairs of the road and sidewalk on Park Street, some of which are shown on the plans;
3. Fencing: The applicant is required to install a suitable, attractive privacy fence at least 8 feet high along the easterly boundary of the Trust property, and an attractive 3-4 foot picket fence along the paved walkway to be constructed from parking garage emergency exit to Park Street, as shown on the plan;
4. Dust Mitigation: The applicant will engage the services of a contractor to power wash the roofs and walls of all buildings on the Trust property at the end of construction;
5. Foundation Repair: The applicant will compensate the Trust for all damage to the foundations of the buildings on the Trust property, in an amount to be determined after inspection of the damaged areas by representatives of the applicant and the Trust, or in the alternative, have the general contractor make repairs under the direction of the Trustee, no later than the end of construction; and,
6. Lighting: The applicant will ensure that all exterior light fixtures are downcast, utilizing the lowest possible output level (measured in lumens), and that the interior lighting in the parking garage will not be visible from the Trust property.

Ron DeCola responded to P. Brunette's comments. He stated that he wasn't involved in the initial application process but has spoken with those that were and none of the concerns were brought up at anytime in the process. The developer has been working very closely with the P. Brunette. He feels this is not the applicant's fault and shouldn't be penalized. The foundation has been monitored and he is not in possession of the report this night. He is aware that a few months ago P. Brunette told an employee of the applicant that if the developer gave the church \$10k his issues would be gone.

M. DellaVecchia noted that some of what P. Brunette is asking for is already something that is fixed during developments of any projects and the rest would be extra.

The public hearing closed at 8:22 PM

Staff Review: Planning Director D. Trefethen read the staff review. He clarified that the only changes on the plan is the location of the underground sheet pilings. He agreed with M. DellaVecchia's comment and noted that the board shouldn't decide items of cost to a developer with their agreement.

B. Beliveau asked if there would be any repercussions on the project if the board tabled the item. Planning Director D. Trefethen noted that there would be no repercussions and he would not issue a cease & desist. It also wouldn't affect the abutter to pursue any appeals or legal processes.

Motion to table the court remand of Elm Street to May 7, 2022 to give the developer and the abutter time to negotiate made by B. Cheney, C. St. Clair seconded. B. Beliveau noted that the board can't make a decision without any documentation. All voted in favor.

8:39 PM Chair P. Brunette went back to Chair the meeting.

- 9.II. PL2021-0146SP; 244 Province Street, The Villages at Province Street; Proposal for 3 apartment buildings to house 90 units with associated parking and infrastructure ~waiver request for sidewalk

Applicant: Jon Rokeh, Atty Phil Brouillard, Brian Gilbert were present. B. Gilbert gave a brief history of the property. The site has been used for material storage for the business. Nothing dirty has been put on the site.

P. Brouillard gave a presentation of the proposal. The proposal is for a total of 90 market rate apartments with 30 units in three buildings. There will be two outlets: one on Province Street and one on Growth Rd. They received a special exception and a variance from the ZBA already. There will be municipal water/sewer/gas. There will be 72% greenspace. The parking requirement is for 135 spaces and the applicant is proposing 144 plus 6 handicap spaces. Trash/recycling will be with outside vendors. The internal roads will remain private. The buildings will be sprinkled and will be 35-40 at the highest point. The waterline will be coming in from Growth Rd.

J. Rokeh went over the plans. They are proposing to relocate the entrance to the City's dog park. There will be internal sidewalks and asking for a waiver on constructing sidewalks on Province Street. There is less than 100ft of frontage on Province street. They are requesting a CUP for the vernal pool offsite on City property. The 100 ft buffer encroaches on the second outlet to Growth Rd. R. MacNeill asked structural stability concerns and J. Rokeh and said there are boring tests to be done with the building permit process. B. Beliveau asked about contamination from the material that has been on the site and B. Gilbert noted nothing contaminated went on the site. J. Rokeh continued with the proposal. They are preserving trees on both sides of the entrance off Province Street. The applicant concurs with staff recommendations.

S. Jenna left at 9:08 PM and S. McWilliam was asked to be a voting member again.

The question about playground and amenities was raised and most units are one and two bedrooms which don't usually have many children. There are walking trails and the dog park right next door.

The public hearing opened at 9:20 PM

There was no one to speak for or against the application. The public hearing closed at 9:21 PM.

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

Chair P. Brunette has issue with not sidewalks being available between the development and the downtown area. He feels the city should do a study on that area of Province Street as it is an extension of downtown. S. McWilliam supports the development but not the sidewalk waivers. M. DellaVecchia also feels that area should have sidewalks.

Motion to approve the site plan and cup applications with the dates and conditions as stated in the staff

review made by S. McWilliam, B. Cheney seconded. All voted in favor.

Motion to deny the sidewalk waiver made by M. DellaVecchia, S. McWilliam seconded. The motion passed 7-2; B. Beliveau, C. St. Clair, R. MacNeill, M. DellaVecchia, S. McWilliam, S. Soucy, P. Brunette for and K. Beattie, B. Cheney opposed.

9.III. PL2022-0043SP; 59 Clinton Street; Proposal to construct a 1500 sf artist/craftsman studio and association parking

Motion to accept the application as complete made by K. Beattie, R. MacNeill seconded. All voted in favor.

Applicant: Nick Sceggell addressed the board. The proposal went to ZBA and was approved for a special exception and variance. The project will end with 46% greenspace. There will be nine parking spaces. The applicant plans to coordinate with the City on final pavement coat to have it done with finishing of the road. There will be some pervious pavement on one side of the parking lot where the structure was. New fence and landscaping will be added. The structure will only be for practice of acts for the opera house. There will be no lodging. S. Soucy asked if any bands would be practicing in there and had concern about the possible noise. N. Sceggell noted that it would more than likely only be lines read or acoustic if any music. Most rehearsals are within the area they will be performing that night.

The public hearing opened at 9:51 PM

Sheila Lemire of 11 Hill Street addressed the board via Zoom. There is a fence along her property line and wondered if that will be replaced. She would like it to be kept. N. Sceggell noted the fence is proposed to be removed and not put back up. The applicant can work with the abutter on keeping or replacing the fence.

The public hearing closed at 9:58 PM

Staff Review: Planning Director D. Trefethen read the staff review. B. Beliveau asked if a condition should be added to have soundproofing or hours of operation.

Motion to approve the application with the dates and conditions as stated in the staff review made by K. Beattie, C. St. Clair seconded. All voted in favor with B. Cheney abstaining.

9.IV. PL2022-0044SU; 808 Weirs Blvd; Proposal for condo conversion ~waivers requested for sections 2, 6.4, 6.5, and 7.5 from the Site Plan Review Regulations

Motion to accept the application as complete made by K. Beattie, C. St. Clair seconded. All voted in favor.

Applicant: Atty Ethan Wood was present. Property owners Kalyan Verma and Manny Arora were present via Zoom. K. Verma went over the amendment. The proposal is to change the form of ownership to condominium. Construction has been under way and should be done by summer.

The public hearing opened at 10:13 PM

There was no one to speak for or against the application. The public hearing closed at 10:13 PM.

Staff Review: Planning Director D. Trefethen read the staff review. Staff has reviewed the preliminary condo docs. A lot of progress has been made over the last few months.

Motion to approve the amended application with the dates and conditions as stated in the staff review made by B. Beliveau, C. St. Clair seconded. M. DellaVecchia noted that with every hotel/motel lost to

commoditization business is lost in the area. The applicant noted that the shortage in employees is what made them change their mind to condominiumize.

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. PL2022-0045SP; 427 Weirs Blvd; Proposal to dock the Dive at the existing dock when not in operation. Two employee vehicles will be onsite ~waiver request for a series of regulations

Planning Director D. Trefethen preempted the application by telling the board there are a number of waivers that the board should rule on before the public hearing. So staff knows they are waived or the applicant needs to something about the specific requirements to be ready for the next meeting.

Applicant: Atty Ethan Wood was present. The property owner and the Dive operators were present via Zoom. E. Wood noted that while there are a number of waivers, disagrees with staff that the applicant couldn't be accepted or voted on this evening. There is no change to the property as to what is occurring on the ground. The only uses occurring on the ground are preexisting for the property. Chair P. Brunette stated that the notice was for acceptance only and no waivers will be voted on until the public hearing. E. Wood requested an expedited public hearing because delays will negatively impact the applicant's ability to operate the business. Chair P. Brunette stated the application will be accepted and not granting waivers without the public hearing and no special meeting will be scheduled. E. Wood added that the application does not necessarily need a full site plan. Chair P. Brunette noted the waivers will be discussed with the application in June.

Motion to accept the application and schedule the public hearing for June 7, 2022 made by S. McWilliam, S. Soucy seconded. C. St. Clair wished to discuss the waivers. Chair P. Brunette noted that this business has been a controversial issue and doesn't want to do anything without the public hearing. All voted in favor of the motion.

E. Wood implored the board for a sooner than the June meeting and Chair P. Brunette declined.

11. NEW BUSINESS

- 11.I. Performance Zoning and Housing Discusion

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

15. OTHER BUSINESS

16. ADJOURNMENT

In leu of time, with no other business before the board and no objection, the meeting adjourned at 10:27 PM

Respectfully,

K. Graham