

CITY OF LACONIA PLANNING BOARD

6:30 PM City Hall - Conference Room 200A

Accepted June 5

5/8/2018 - Minutes

1. CALL TO ORDER

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

2. ROLL CALL

Kalena Graham called the roll with the following members present: Charlie St. Clair, Dave Broughton, Michael DellaVecchia, Gail Denio, Edwin Bones, Claudia Marchesseault and Chair William Contardo

Absent: David Bownes, Peter Brunette

Chair W. Contardo stated there were seven members present and a quorum was established. Chair W. Contardo welcomed two new members: Claudia Marchesseault and Peter Brunette.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Director Brandee Loughlin

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.1. Acceptance of Minute from March 6

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

There was no meeting in April, therefore no minutes to approve

6. PRESENTATIONS

7. EXTENSIONS

7.1. 06-007SU; 1144 Weirs Blvd; condo conversion; request for extension

Applicant: Fred Clausen and Patrick Clausen were present. F. Clausen updated the board on the request. He read an email from Atty Jae White law stating that "the planning board cannot deny the request for extension unless it has a reasonable basis for doing so. Therefore, if the facts regarding the original application have not changed, and the law - statutes, ordinances, regulations - that were applicable to the application have not changed in such a way that would cause the initial application to be denied or approved subject to different conditions - there is no reasonable basis for denying the extension. Therefore, based on the information provided, I recommend that the planning board grant the extension for another year." The applicant is aware that the board doesn't like to keep approving extensions. The applicant has been working on upgrades so when the market is ready, they will be ready. Last fall, the applicant contracted with McLean Associates, a reliable local commercial/residential appraisal firm to provide us with appropriate selling prices for our condo project. His analysis was the lack of sales data for seasonal cottages with water views that do not have docks made it hard to estimate expected market value. Due to inadequate comparables in the Lakes

Region real estate data bases, they have been unable to provide guidance of specific condo resales equal to our units.

The applicant has put in about \$422,000 into the project. It is a family run business for almost 20 years now. Currently there is one hot water source for every four units and work will be done this year so that each unit will have it's own hot water. F. Clausen stated the email from Atty Jae Whitelaw has been in the packets since 2005. D. Broughton commended Clausen as one of the nicest places on the lake. W. Contardo asked if he had an idea of when this would be turned to condominium and F. Clausen said he couldn't answer that. He would rather it be a right time. Chair W. Contardo asked if the board approved the year extension and the project was not done by the deadline, would he agree to a resubmit and F. Clausen did not agree. He feels singled out. Once the property is sold, the hotel will no longer be a hotel, but condominium.

Motion to approve the extension for one more year made by E. Bones, C. St. Clair 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. PL2015-0142SPamd; White Oaks Rd, Paugus Woods development; amend the original approval to remove lot 33 to allow for second access

Chair W. Contardo recused himself but did not leave his seat.

Vice Chair E. Bones stepped in as chair and mentioned that both Paugus Woods and Langley Cove applications would be discussed together.

Motion to take both applications off the table and reopen the public hearing made by Vice Chair E. Bones, C. St. Clair seconded. All voted in favor.

The public hearing opened at 6:54 pm

Applicant: Jon Rokeh, Atty Mark Pinard and Atty Bill Philpot were present. J. Rokeh updated the board. Since the last meeting the applicant has worked out the details with DPW on the bridge, have gone back and forth with the Water Dept and have basically finalized the agreements. The applicant feels they are at the point where an approval is needed to sign the final documents. Working with Planning on open space language, which is basically worked out. In listening to the abutters the applicant has been in discussions with Planning Dept on gating the access in between the two developments where 100% of the Langley Cove traffic would use Weirs Blvd and Paugus Woods would be 100% to White Oaks Road. I could be used for emergency

access. The application to remove the lot in Paugus Woods would still be in place because the road would still be needed to facilitate the secondary access. The applicant would also be paving within Paugus Woods. C. St. Clair asked about the paving. J. Rokeh said going through Paugus Woods on Sarasota and Palmetto out to White Oaks Road. It would be fixing up the road, doing a top coat to finalize the road and fix some drainage.

Assistant Director Krista Larson of DPW did a site walk and the applicant has been working with her on that. J. Rokeh stated there are seven more houses that can be built in Paugus Woods for the second phase and 49 more in the last phase so not the entire roads yet as there is still a lot of work ahead. D. Broughton asked if the intent is to have all the work done in Paugus Woods prior to approval and was told no. D. Broughton asked why the Board should take their word for it and M. Pinard added they would be made conditions of approval. Vice Chair E. Bones asked for clarification on Paugus Woods' amendment and J. Rokeh said the application would still need the amendment to take out the lot and put the access road in. The difference now is that a gate is being discussed. Along with working with the traffic guy to make sure all the counts work. The Planning Director D. Trefethen said the most recent traffic report done called for 80% of the traffic going out through Weirs Blvd and 20% going out through White Oaks Road. If the gate concept is approved all the in and out traffic of Langley Cove will be use Weirs Blvd. If the gate is there, it would be only open for emergency purpose. An updated traffic study would be needed. He does not anticipate there being a problem with the concept. Traffic studies from the past showed that and boards along the way have wanted emergency access with traffic going elsewhere. C. St. Clair asked if the idea of a different access road around Paugus Woods and J. Rokeh said the whole point of the discussions were that it wasn't wanted to have Langley Cove traffic going through Paugus Woods and vice versa and a gate would solve that. There would be a huge wetland impact and he feels, unneeded. M. DellaVecchia asked why if Langley Cove didn't exist, wouldn't there need to be another access road to build out Paugus Woods and was told yes. M. DellaVecchia then asked why the applicant is so against the second access in Paugus Woods. If a gate is being put in, there is basically only one entrance for each development. J. Rokeh said that the second access for Paugus Woods was only going to be 18 ft wide and emergency access only with a gate. The proposed gate will be knocks blocks. C. St. Clair asked if there would be a future traffic problem and Planning Director D. Trefethen said that is the main reason for an updated traffic study. C. St. Clair noted there wouldn't be an issue for the drivers on the boulevard but the people trying to get onto the boulevard and would not like to see traffic lights. Planning Director D. Trefethen said the last traffic review said that lights wouldn't be needed. But he reminded that traffic lights are controlled by the State even though the city owns the road.

Abutter input:

Todd Miller, President of Capri Condos across the street on Weirs Blvd spoke. He is curious as to how their development will come and go with the added traffic. He had safety concerns for those residents who currently reside. Specifically he is concerned about traffic during the construction process. Vice Chair E.

Bones said there was a traffic study done showing there wouldn't be much of a difference. Planning Director D. Trefethen stated that a copy of the traffic study is at the office and available for review. Another concern for T. Miller is the sediment build up in the cove. Over the past 15 years it was changed dramatically. It comes from both over the road and under the bridge. The water will be gone by the time construction is finished. C. St. Clair asked about dredging the area and was told that permits would be required from the State and highly unlikely to get. He asked the applicant what happens to them if the water is gone due to the sediment issue. M. Pinard said the project has been engineered for many years with the city's oversight and third party review and there will be erosion control. This is going to improve the situation, it's not going to make it worse. T. Miller asked if there is a provision put in place that if the situation doesn't get better after the applicant is done with the project. Vice Chair E. Bones thinks the state will have some oversight in getting any runoff resolved. Planning Director D. Trefethen said the erosion is happening now, with no development and has been for years. As an example, the bridge between Christmas Island and the actual island used to have water under and is slowly filling in. It could be natural or it could be a cumulative effect of everything above for a long time. He also noted that this project will require a number of permits from the state and there will be third party and the Conservation Tech monitoring construction to minimize erosion as much as possible. He believes the post construction situation will be better than what exists now. C. St. Clair asked J. Rokeh as an engineer if he thinks that the situation will be better for cove and was told yes. When the developer bought the parcel it was a trailer park with buildings right next to the river. Now there will be a 75 ft buffer to help protect the river, and all the development is more than 75 ft away from the water. There was discussion regarding the sediment and dredging along with the bridge construction. The outcome was that the bridge will be replaced and is a state project, regardless of the approval of the development.

Keith Dube, unit 2 of Capri Condos, said his dock area gets shallower every year from the sediment coming into the cove. He wants a guarantee and knows for fact that dredge and fill permits can be acquired. There was discussion on acquiring state permits. A concern is that the cove is close to the drinking water supply for the City and permits may be more difficult to get. Vice Chair E. Bones noted that the lake is currently a DES issue, not the Planning Board and suggested contacting DES. The first step to address any problems with the state. C. St. Clair said to call Executive Councilor Joe Kenny and he will call back, that is his job. J. Rokeh stated that there will be before, during and after construction continuous monitoring on the water quality.

Todd Miller said their association has never heard from Brady Sullivan at all. Vice Chair E. Bones understands but feels this is a two way street and that is what the meetings are for. If they have been having issues with sediment then they need to get in touch with the state. T. Miller asked about a note on the staff review where it talked about a beach lot. After looking at the staff review, Assistant Director B. Loughlin said that was a provision added by staff to insure that the developer knows that any land they own, that might be on the water, rights are not to be assigned to units in Langley Cove. K. Dube asked if any lots are purchased by

the developer would that make it possible to have beach rights and Assistant Director B. Loughlin said any additions or changes to a site plan would need to come back to Planning Board. Planning Director D. Trefethen stated that staff is aware the beach is there and historically the beach has been used by members of the Brady family and others. He stated that it has been the position since the beginning of the proposal, that however many units there are in Langley Cove, they will not have beach rights. Any alterations to the shorefront requires permits and a trip back to the board. Assistant Director B. Loughlin read the language in the staff review section 2:b:5: *"There is no Lake access for this property as proposed. If access is provided by the developer or any of its assignees to any of the unit owners to any lot within the City, Planning Board approval is required. This includes beach lot 216-248-1. This does not prohibit residents from purchasing, renting, leasing, or otherwise engaging in agreements with independent third parties in order to utilize boat slips or docks."*

Dennis Peterson of 6 Palmetto Lane spoke. He thinks the original proposal that was granted many years ago that goes around the Paugus Woods development, would solve many issues. He doesn't want their issues to be given to the neighbors down the street. A gate access would work for Paugus Woods but wondered if it would work for Langley Cove. None of the residents have trust in Brady Sullivan since they have been so misleading. He appreciates that a top coat is proposed to be put on but it will not work for the roads. They need to be ripped out and rebuilt. He feels the board should be concerned about the tax payers and not the developers who don't reside in Laconia. He can't believe the board even entertains this. The residents have a vested interest and will keep hearing from the residents. Vice Chair E. Bones' question was is the issue with the subdivision because it's Brady Sullivan? He asked if it was another person would the development be ok and D. Peterson stated that if the developer was honorable and of their word, then yes. Vice Chair E. Bones stated that he doesn't know the developer and didn't get on the board to make friends. He volunteers on the board to made decisions that make sense and to hear what the people have to say and proceed from there. He is open to listen to all the positions. For him it is the fact the he has heard what is being said. He feels the board hasn't had an opportunity yet to make a decision and haven't made a decision. The board looks at if the proposal makes sense and are if it is the right thing. D. Peterson thinks past creditability has a lot to do with it as well. He asked the board to think about the people this development will affect.

Pete Spinney of 8 Siesta Ln spoke. He asked what the vote was supposed to be tonight. Vice Chair E. Bones said there will be no decision as the gate is new information. P. Spinney feels the original proposal will work. He wants to know what the definition of private roads are if they want to go through the Paugus Woods parcel. If access is made from the other development through Paugus Woods, then the definition is changing saying that there is public access to Paugus Woods and they would look at changing so it would be a city road. He doesn't see a gate for emergency access being a problem.

Vice Chair E. Bones' understanding is that the new proposal was to gate the road. Mark Pinard responded by stating that there were concerns about people going through. For months they have been told that the through traffic would be a problem in Paugus Woods. So they began discussions with staff to look at the option of a gate because according to the traffic engineer Jeff Dirk, the traffic will work with or without the gate. The proposal for the gate is part of an ongoing discussion and the gate could be opened when needed. The developer is open to options. The applicant is working with staff to come up with solutions that work for everyone. The developer didn't come up the idea of the developments being connected, it was a Planning Dept idea. For staff, it solved problems. The developer was told to reengineer with shared access. A gate is an option and could be open if the community agrees for their purposes. He added that the subdivision documents for Paugus Woods were written in a way to disclose that there was going to be a shared access. The applicant is relying on Staff for recommendations.

Mike Kirrane of 49 Sarasota Ln spoke. He purchased in 2010 and has read all papers and was told that there was going to be access through Paugus Woods at some point. Brady Sullivan had a good reputation back when he bought and now the reputation isn't so good. He would rather the new development be put off until the other developments are completed.

Ted Day of 104 Sarasota Ln spoke. He does not live up here full time and has had no information prior to the meeting. The roads in Paugus Woods have issues. He stated that he is not upset with Brady Sullivan but unfinished roads are an issue. They are caving in and there is not room for expansion of the roads.

Dennis Peterson of 6 Palmetto Ln thanked Planning Director D. Trefethen for being so responsive to him.

Paul Wheaton of 537 Weirs Blvd spoke. Now that the gate has come up and leaning away from the entrance through Paugus Woods, attention needs to be refocused on the reason for the failing: the steepness and stormwater runoff. This is a complicated project. People will need to be on their A-game to make it work. If the board approves this, is staff prepared for lawsuits that will come? He asked Planning Director D. Trefethen if he is comfortable with the creative engineering plan before the board. Planning Director D. Trefethen said he is comfortable with the plans that have been submitted. They have been reviewed by independent third party reviewers. P. Wheaton asked if he thinks the applicant will adhere to the plans and Planning Director D. Trefethen said part of the staff recommendations is the have third party engineers on the site during critical times during construction to oversee and make sure the project goes according to plan. P. Wheaton asked if he was comfortable that should the board approve this wont cause a problem with the quality of the water. He is concerned about the town being sued. He has no confidence the work will be done correctly and just want it done right. He also feels there will be traffic issues on Weirs Blvd. He has concern about the entrance road on Langley Cove being so steep and accidents that will occur, especially in the winter. P. Wheaton feels the city is being set up for lawsuits and safety issues for the future.

C. St. Clair brought up the fact of failing roads in Paugus Woods. He asked where people will go when there are development issues and Planning Director D. Trefethen said Paugus Woods is private and the homeowners association would be the owner of the roads. Palmetto is in poor condition and one side is worse than the other. In some areas just adding pavement will not fix any issues. That being said this New England where no roads last a long time. Staff will work the city engineer from DPW, who has been out there, and Brady Sullivan to come up with a plan. It will all depend on whether the roads are open to traffic or gated. Some things still need to be worked out. He brought up the point that the improvements will not be made until required. No one has a time table for what that will be. There is no requirement until either development is at their 50 units. Paugus Woods needs 7 more lots to reach that requirement. The roads are in poor condition and some storm drains need attention but it won't happen soon because the requirement for the access road isn't there immediately. This requirement is in the national fire code, not the city of Laconia code. The only requirement for that access is emergency use only. It can be made to be more if wanted. The gate is being proposed to address the concerns that have been raised by the members of Paugus Woods and the board over the past several meetings. There are other ways to address the concerns and he is not sure the gate is going to happen or not. He would like direction from the board.

Sandy Bedford of 14 Siesta Ln spoke. She asked why the amendment is proposed if there isn't a need for the road until the 50 units. Planning Director D. Trefethen said the request is to amend the current site plan for Paugus Woods to eliminate that lot which will be converted to an access road that at some point in time will be required both either development. Neither development can go above 49 units without a second access of some kind. There will be no vote will be tonight but possibly in June and would be the approval of the plan, not the execution of the plan. So at some point in time, if approved, a developer can build more houses in Paugus Woods, until they get to 50, then the second access will be required and the plan will be already approved. It could be that Paugus Woods never gets to 50 units and Langley Cove does, then the second access will be required to put in. S. Bedford asked if there could be a condition made to have the gate. If the personal aspect is taken out, what should be considered is: is it feasible or smart to put a road there? Is it feasible to have 300 cars going through Paugus Woods? Is it feasible to have the gate open during certain times? We need to assess whether the road makes sense to have that many cars go down such a small road. No one has good faith regarding Brady Sullivan should be about the road and if the idea is a smart idea to have that many cars on that road. She doesn't have that many issues except for the driveway being ripped up. Vice Chair E. Bones understands what is being said but noted that if more than 50 units go in, then the second access will be needed. S. Bedford asked if stipulations would be put on an approval of what can and can't be done and Vice Chair E. Bones said yes there would be conditions put on.

Carolyn Hodge of 561 Weirs Blvd spoke. They are located right in the middle of the development. All the cars will now go down the road by their house and asked if something could be planted for noise buffer. She is

doing a lot line adjustment and the measurements on the plan vs her deeds do not match. She feels that she will be constantly fighting with this developer and doesn't want that. C. St. Clair asked Planning Director D. Trefethen about that. Planning Director D. Trefethen said in the deed and the city tax card don't match up. The developer used the tax card. There are a couple of stakes out there and it's his understanding that the stakes reflect the tax card. J. Rokeh said when they did the boundary survey 3 of the 4 pins are set and not the dimensions as stated in the deed, which is not unusual. The issue is being fixed.

Ray Bowles of Sarasota Ln spoke. He would rather not have the road. His comments are not directed at anyone but the process. When a decision is made it shouldn't be based on fear or saving money for the developers. Town residents should be allowed to participate in public hearings without any retribution. An example is that he made inquiry to the office of Brady Sullivan to make sure he had the correct documentation in regards to the transaction of his property. He received what he needed but he also received a curt email from their legal counsel, Atty M. Pinard. He paraphrased the email. As a tax payer he cautioned the board to make sure everything is in writing so can't be left open to interpretation.

Bob White of 76 Sarasota Ln spoke. He asked how equipment will get to site for construction. Planning Director D. Trefethen answered and said all construction will enter and exit on Weirs Blvd.

T. Miller would like to invite all to come over on Memorial Day weekend, or any weekend, and pull out of their driveway to try to turn left. C. St. Clair said that Weirs Blvd has a bunch of unsafe corners and driveways. As a motorcyclist he is aware of those situations. He would like to keep the boulevard the way it is but no matter what, it won't be a good situation. The board depends on staff to do their due diligence.

The public hearing closed at 8:32 pm

Motion to continue the application to June 5 made by C. St. Clair, G. Denio seconded. All voted in favor.

8.II. PL2011-0024SP, 0026CUP(Steep Slope), 0027CUP(Wetlands), 2015-0141SU(BLA), 2018-0023SU(BLA); 553 Weirs Blvd; Langley Cove Development, 291 unit cluster development and boundary line adjustments

Motion to continue the application to June 5 made by C. St. Clair, G. Denio seconded. All voted in favor.

8.III. Master Plan Draft Vision Statement And Land Use Chapter

Karen Barker of 129 Lane Road spoke. She read the plan and had concern about development sprawling outward in the "green" areas of Laconia. She is concerned about the talk of undeveloped land and that it should be developed. She feels the undeveloped areas provide a service and attractiveness to the city. She is getting tired of the "dollar" value on land she feels there is more value than the dollar. The urban renewal

changed the city, she feels, in a negative way and doesn't want that to happen again. There are two business parks that aren't fully developed yet in the 20+ years of being there. She asked what can be expected in reality. She was concerned about the proposal of the reduced setback in the Rural Residential two (RR2) zone. W. Contardo agreed and discussed the objectives behind the plan. The committee had asked what the best way to approach that was and there was a general feel from the committee that affordable housing was needed. Discussion was had on the thought process of the committee. She asked how to create policy that could be implemented by the city and W. Contardo said that is part of the process. There are people involved in the process that do want to keep the City attractive.

Tom Barker of 129 Lane Road spoke. He asked what the definition of growth and why is it good? Chair W. Contardo said growth is everything, from environment to economical. T. Barker said narrowed down to economic growth and why is it good? Chair W. Contardo said where people can afford to live in a community. T. Barker asked if that the bottom line for a good place to live: a good quality of life and was told growth is the growth of the community and affordable homes. The way T. Barker sees that developers often gets what they want per the zoning. Chair W. Contardo said part of the concept of the new plan is to have an idea of what developer wants to do and work with that. T. Barker has not seen that in the past. Greenspace is a treasure to the city.

C. St. Clair asked if there will be more chapters and was told yes. These are the only two required and the rest will be worked on in time.

The public hearing closed at 9:08 pm

Motion to approve the proposed draft chapters of land use and the vision statement as presented made by D. Broughton, G. Denio seconded. Planning Director D. Trefethen said it was a process to get to this point and this is just the beginning of a long road ahead. C. St. Clair agreed with the two speakers from the public regarding prior development. Planning Director D. Trefethen said along Parade and Meredith Center Roads there is a high setback for the RR2 vs the RR1. Currently, you can't build in the setback but there are people that would take all the trees down on for grass. With the new proposed area, they have to leave the trees. The idea was to change the language to leave the area in its natural state for the 150 feet in the corridor. 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.
 - 9.I. PL2018-0014SP; 1386 Meredith Ctr Rd; office addition 42'x52' and convert existing office space to classrooms

Motion to accept the application as complete and open the public hearing made by G. Denio, E. Bones seconded. All voted in favor.

The public hearing opened at 9:16 pm

Applicant: Steve Smith gave the proposal. In May 1978 the school was given a special exception for the use. There will be no increase in student body or faculty. The facility is barely seen from the road. The applicant had no issues from the staff review. But noted the impact fee square footage was wrong and will need to be recalculated.

Staff: Assistant Director B. Loughlin read the staff review. She noted a few changes.

No one from the public spoke for or against the application.

The public hearing closed at 9:21 pm.

Motion to approve the site plan application with the dates and conditions stated in the staff review with changes made by D. Broughton. The applicant wouldn't be breaking ground until next spring and asked if the date could be extended. The completion date was changed to Dec 3, 2019. E. Bones seconded. All voted in favor.

9.II. PL2018-0032CUP(waterbody buffer); 203 Wentworth Cove Rd; Proposal to install underground power by hand from the house to proposed dock in existing pathway

Motion to accept the application as complete and open the public hearing made by E. Bones, D. Broughton seconded. All voted in favor.

The hearing opened at 9:25 pm.

Applicant: Steve Smith was representing the property owner John Remington. S. Smith said there are a lot of wetlands on the site and since the subdivision was approved, the setbacks changed from 50 to 75 ft. anything that happens on the lot will need a CUP. The applicant has received a permit from DES for a new dock, breakwater, Jet Skis and bridge over a wetland. The dock will have a bubbler and the city requires underground power. The trench will be hand dug down the existing path and will be at least a foot down, in conduit. Watermark got the permits and will be doing the work. There will be no equipment out there. The

path is approximately 80 ft long. The application has been reviewed by Concom and they are ok with the proposal.

Staff: Assistant Director B. Loughlin red the staff review.

The public hearing closed at 9:29 pm.

Motion to approve the conditional use permit with the dates and conditions as stated in the staff review made by G. Denio, D. Broughton 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. PL2018-0036SU, 0056CUP(wetland); Outerbridge Drive (village #10) Southdown Development Proposal to develop 7 lot subdivision; waivers for landscaping plan, architectural plan and sidewalks

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 June 5, 2018 made by G. Denio, E. Bones seconded. All voted in favor.

10.II. PL2018-0037SP; 55 Bay Street; Proposal for indoor (100 berths) & seasonal outdoor boat storage, future valet service

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 June 5, 2018 made by G. Denio, E. Bones seconded. All voted in favor.

11. NEW BUSINESS

11.I. Officer nominations

Chair W. Contardo talked with a few members and a secretary is still needed. He stated that he and E. Bones will serve again as Chair and Vice Chair. M. DellaVecchia will accept a secretary position.

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

Assistant Director B. Loughlin noted that there is currently one commissioner and one open spot for LRPC. D. Anson stated there is an Executive Director's meeting tomorrow.

15. OTHER BUSINESS

15.I. Reaffirm the May 3, 2016 decision of Planning Board to add back the language of Zoning Ordinance Chapter 235-17-E (2), Wetlands & Water Quality

Planning Director D. Trefethen explained the reason the subject was brought back to the board. In May 2016, the board voted to reinstate the 30 ft buffer for streams and that never went to Council for their action. He had spoken with legal about what to do and was told since so much time had passed, they thought it best that the board take action again to recommend it go to Council. He asked Dean Anson to give a short presentation.

Dean Anson of 223 Leighton Ave, and Chair of the Conservation Commission spoke. The language was brought to Planning Board March 2016. The reason was that there was a change to section 235:17:e in August 2012 and there was a mistake made with that change. All streams were eliminated except for one that were identified specifically. This was mistakenly taken out. The change was to only expand the buffer of named streams. The Concom brought it to Staff's attention as soon as discovered. The board decided to reinstate the 30 ft from top of bank on either side, but never went to Council. He would like the board to approve it again and take it to Council.

Chair W. Contardo explained to the board that this means there are a lot of streams that run through the city, as well as named brooks and streams, and there are many houses near these streams. That would take away from peoples land use. By saying all streams encringe on rights of the property owner and then would need to apply to the zoning board. Assistant Director B. Loughlin corrected and said the application would be a conditional use permit before the planning board to encroach into any buffer.

D. Anson stated that from 2000 to 2012, no applications were denied for encroachment and 122 applications were received. The important issue is the drinking that water comes from the bay and these streams are the beginning of that. He is talking about preserving the water quality and working with the applicants to understand why the buffer is important. The last hearing before the board tonight was an example. Chair W. Contardo wanted to know what kind of applications come and D. Anson explained.

Chair W. Contardo and E. Bones don't understand why there would need to be more restrictions if it will get approved anyway. D. Anson stated the commission doesn't enforce or approved anything, the Planning Board does. The Commission only makes recommendations and suggestions to Planning Board then the board decides which is important to implement. This basically allows two parties to review the plan before implementation and he sees nothing wrong with that.

A somewhat heated and lengthy discussion ensued between Chair W. Contardo and D. Anson on why a buffer is needed, what kind of applications came in the past and what a stream is. Assistant Director B. Loughlin noted that all the streams are shown on the USGS maps and that is used for reference. M. DellaVecchia thinks clean water vital to the area and supports the request.

Motion to continue the discussion made by M. DellaVecchia, D. Broughton seconded. All voted in favor.

16. ADJOURNMENT

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

The meeting adjourned at 10:31 pm

Respectfully,

K. Graham