

City of Laconia
Zoning Board of Adjustment
City Hall in the Armand A. Bolduc Council Chamber

5/21/2019 - Minutes

1. CALL TO ORDER

The meeting was called to order by Chair S. Bogert at 6:34 PM

Chair S. Bogert announced that with the three board members present it does constitute a quorum but for a vote to pass, it has to have all three votes. If the vote is 2-1, it would be automatic fail. He will bring it up again before the applications for the applicants to think about continuing with three members or scheduling the application for a future meeting.

2. ROLL CALL

Present: Steve Bogert, Mike Foote, Roland Maheu

Absent with notification: Suzanne Perley, Orry Gibbs, Michael Della Vecchia

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Director, Dean Trefethen

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. April 15, 2019 Zoning Board Of Adjustment Meeting Minutes (PDF)

Motion to accept the minutes as written of April 15 made by M. Foote, R. Maheu seconded. All voted in favor.

Chair S. Bogert asked if any of the applicants wished to wait for a larger board and none of the applicants wished to move their application to the next meeting, therefore the meeting with continue.

6. EXTENSIONS

6.I. ZO2017-0017VAR 55 Bay St Variance Extension Request (PDF)

The applicant, Atty Phil Brouillard addressed the board. He noted that Planning Board approved their extension last month for the site plan. The reason the application hasn't gone forward is some changes in the building size and configuration. The property across the street was recently acquired and due to that, configuration on the lot will change. He handed out a plan of changes. In process of demolishing the existing building. This new configuration will make the site more efficient. The changes would be going back to Planning Board and Conservation Commission.

M. Foote stated that it looks like there will be better access.

Motion to approve the extension request for one year, based on the facts that the application was submitted prior to expiration, so it meets all criteria, the changes will be going to the Planning Board for approval and so should not have any adverse effect, made by R. Maheu, M. Foote seconded. All voted in favor.

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.

7.I. ZO2019-0010VAR 1 Simpson Ave Variance Request (PDF)

Chair S. Bogert stated that this application has been withdrawn.

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.

8.I. ZO2019-0013VAR 42 Gale Ave Variance Request (PDF)

Applicant: Greg Thompson, the homeowner addressed the board. He explained the request. The house was built in the 1950's and in the side setback. The applicant would like to build an addition in line with the existing wall for an extension of their dining room. The encroachment will be 2 feet into the 10 foot side setback, down the line 8 feet. The roof will be sloped on the addition.

The public hearing opened at 6:48 PM

No one from the public spoke for or against the application

Planning Director D. Trefethen brought attention to a letter of support from the owner at 50 Gale Ave. R. Maheu mentioned that he drove by Sunday and there were a lot of cars and agreed that the lot is tight. The public hearing closed at 6:50 PM with no closing comments from the applicant.

Discussion: Chair S. Bogert stated that this addition is not too much out of the way, and in line with the rest of the building and will have no more impact than what the building is already. M. Foote stated it's reasonable as to what is in the neighborhood already and will not be intrusive. It is a condensed lot already in a non-conforming situation. This proposal is not going to change the function of the lot or intrude on neighbor's privacy. The proposal is consistent with the neighborhood.

Motion to approve the variance request made by Chair S. Bogert. Granting the variance would not be contrary to the public interest because it will not impose any difference, as far as the property is concerned, or provide any adverse effect to the neighbors as that section of the building already intrudes into the setback by 2 feet. The spirit of the ordinance would be observed for the fact that it's not intruding any further, the length of the building is going to be adding 8 feet but the difference in allowing more living space will improve the quality of life within the house itself. The values of the surrounding properties would not be diminished as this won't have adverse effect to adjacent properties and with the increase in square footage, it'll probably help maintain or improve values. Literal enforcement of the regulations result in unnecessary hardship due to the fact that the lots are small at 65 road frontage already, when the standard is 80 feet, in a situation where nothing can be done to change and by adding the 8 foot length to the property, it will not add adverse effect. M. Foote seconded. There was no discussion, all voted in favor.

8.II. ZO2019-0014VAR 1022 Union Ave Variance Request (PDF)

Applicant: Greg Masewic, property owner of Meineke addressed the board. He would like to move a 12

x 13 ft deck for the customers to be outside while waiting, over the pavement in an unused area of the parking lot. Purchased the business about two years ago and have been making small improvements. The rail road owns the stretch to the water. The deck posts would be on the property but cantilevered over some of the rail road right of way. G. Maswick has offered to buy some of the parcel but has yet to hear back.

Planning Director D. Trefethen stated the deck exists now and is partially into the setback of the adjacent property. The standard setback in the commercial zone is 20 feet but the building is only 13 feet away. There is an added provision that next to a rail road right of way only 10 feet of setback is required. Technically the land behind the subject parcel is owned by the NH rail road. The applicant's request is to be closer to the right of way than allowed but the railroad will not be effected because it's not in use right there. Chair S. Bogert stated that there will be no increase in drainage issues. There will also be no adverse effects from taking up any parking spaces, and Planning Director D. Trefethen said it would be in an area for the parking lot that is not currently used for parking. Staff requested the deck be moved, not the rail road.

The public hearing opened at 7:15 PM

No one spoke for or against the application.

Planning Director D. Trefethen requested a condition be put on, if approved, that the trees that were cut down on the slope when the deck originally was built, be replanted. The number and type would be delineated by Staff.

The public hearing closed at 7:18 PM with no closing comments, other than the applicant agreeing to the replanting.

Discussion: M. Foote stated recognizing that the applicant was requested to bring this into greater conformity, and the applicant is willing to do it, he doesn't not see a problem.

Motion to approve the variance request made by M. Foote. Granting the variance would not be contrary to the public interest because the City requested this and the applicant is doing what was requested. Substantial justice is done because the applicant is making it less non conforming and working toward what was requested. He does not feel it would diminish the surrounding property values and the hardship is it's in a spot that is less suitable than what is proposed. Reasonable and the applicant should be able to utilize that otherwise unparkable spot. R. Maheu seconded. No discussion but the condition added in that the applicant replant trees along the slope, number and type to be delineated by Staff. All voted in favor.

8.III. Zo2019-0016VAR 155 Baldwin St Variance Request (PDF)

Applicant: Michelle Leblanc, of 45 Dolloff, acting on behalf of Patricia Bolduc, addressed the board. She has been using a part of this property for parking for a long time, with permission, and was just looking to make it official and eventually pave the area. There would be a change of 7 ft and the line would go straight back to the pin. Chair S. Bogert asked if the side setbacks will be set and was told yes. Planning Director D. Trefethen clarified that lot 93 is the applicant and they will lose conformity. However, he doesn't see any issue with that. Lot 94 will be less non-conforming. R. Maheu wondered how this proposal would affect the property if the owners decide to sell someday. M. Leblanc stated that is a consideration, but the owners have a lot of renovations that need to be done first and shouldn't have any effect on the property, as their parking is on the opposite side. If this proposal is approved, it would then go to Planning Board for boundary line adjustment.

The public hearing opened at 7:03 PM.

There was no one to speak for or against the application.

The public hearing closed at 7:04 PM with no closing comments from the applicant, other than the fact

that her son would appreciate a paved parking spot.

Discussion: M. Foote does not see a red flag. The proposal does not bring the Bolduc property out of conformance. There are no setbacks impacted.

Motion to approve the variance request made by M. Foote. Granting the variance would not be contrary to the public interest because it is providing off street parking and settle what has been happening for years. R. Maheu seconded. Chair S. Bogert asked Planning Director D. Trefethen if the current out buildings would be affected by the boundary change and was told they were grandfathered but they would not be affected but the setback would be increased. Chair S. Bogert clarified the motion to include the variance would not be contrary to the public interest because both parties agreed to the lot line change that is currently being used. The spirit of the ordinance would be observed because the ordinance was set that both properties have road frontage issues of being less than 80 feet, with one increasing making the lot less non conforming and one a little more non conforming. Substantial justice is being done because both properties will be beneficial to both parties and not being forced upon. The hardship of the property is that both have less road frontage than the allowed 80 feet and this will make one less non conforming, but overall there will be no adverse effect. M. Foote agreed and R. Maheu seconded. All voted in favor
Planning Director D. Trefethen stated that the last application was skipped over so 1022 Union went next.

8.IV. ZO2019-0017VAR 97 Sheridan St Variance Request (PDF)

Applicant: David Prescott, property owner, and David Plourde, deed owner and owns abutting property at 109 Sheridan, addressed the board. D. Prescott stated they bought the land in 2008. The house was built in the 1850s and had replaced the back side because at that time the City wouldn't let them tear down the entire building. D. Plourde built the addition in the back and left the front. The front is in desperate need of replacement. The supports underneath are gone, the structure is antiquated and needs a severe update for safety issues to bring it more to code and aesthetics. Several houses in the neighborhood have been redone and the area is starting to look nice. The applicant has worked hard for what they have and would like to improve it for the family and neighbors. The end of the addition will be 6 feet from the property line. D. Plourde explained that where the existing house it, they are looking at going just 2 feet beyond. D. Prescott stated approximately 27 feet from the center of the road. The part to be rebuilt is currently where the kitchen and living room is and hoping to turn into a kitchen and living room with a spare room. M. Foote asked how far from the property line this will end up and Planning Director D. Trefethen stated that the end result will be 6-7 feet in a 15 foot setback. The existing isn't 15 feet and the addition will only be an extra 2 feet. D. Prescott noted that the lot slopes down about halfway through the front of the house. Chair S. Bogert stated that regardless of the number the structure is still non conforming but not in a non forming state due to the age of the house and the hardship being the age of the house in being built before there were any standards. R. Maheu asked the distance from the center line to the edge of the road. All the buildings are close to the road.

The public hearing opened at 7:31 PM

David Plourde of 109 Sheridan addressed the board as an abutter. He noted that the building is in need of updating, tremendously. His grandkids are living there and the daughter and son in law have worked hard to keep this along with many other houses on the street. He feels the neighborhood is looking very good except for one huge eye sore. All of the neighbors are for this.

Closing comments: David Prescott added that he would like his children to be able to live in the house for a long time. The front part of the structure has to change.

The public hearing closed at 7:34 PM

Discussion: Chair S. Bogert mentioned that looking at the application he had considered the fact that the difference is just 2 feet. The structure is already in the front setback so it's not going to really have impact, with the fact that they are sitting so close to the road. They have enough room for snow storage

making it not an issue to block sidewalks. With large side setbacks, it doesn't appear to infringe or impose any difficulties on the neighbors. M. Foote thinks the proposal sounds reasonable. It's not on a more high traffic road, but still gets in and out traffic. Granting the variance would be reasonable with the age of the houses in the area. Chair S. Bogert added that it would give the applicant the ability to upgrade and bring up to current standards. R. Maheu feels if nothing is done, that part might cave in with an unsteady foundation.

Motion to approve the variance request made by M. Foote. This is an older house with the back part already redone, so upgrading the front will allow the front portion to be brought up to today's standards. The proposal will not affect side setbacks at all and the lot is fairly good sized. The proposal would increase the value of the house to a desirable aesthetic. Substantial is done because it has a rock foundation and the proposal will upgrade that and make it a healthier place to live. The proposal will not diminish values of surrounding properties as the upgrade goes along with what is being done to other parcels in the neighborhood. The hardship is that this structure was built before there were any standards, currently in the front setback. Rebuilding the front would not have substantially more impact. The proposed use is reasonable for upgrading the living conditions. R. Maheu seconded. There was no discussion. All voted in favor.

9. OTHER BUSINESS

Planning Director D. Trefethen updated the board on the proposed zoning changes in response to the Master Plan adoption. The Planning Board held public hearings and has approved the measure he presented the board and has been forwarded to City Council. A new Urban Commercial district was created which will replace all of the various district that are currently in the downtown area and encompass the commercial zones that already exist along Court and Union, through Lakeport and up to the Gilford Line or McIntyre Circle. There are a few residential zones that are adjacent and doesn't make sense to leave them. The map shows the district going from the Belmont line all the way up Court Street, encompassing all the traditional downtown area and all the way up Union Ave, which is currently zoned commercial already. The new district will take away the Professional, Business Central, Business Central Industrial and Downtown Riverfront zones. So the area will have the same rules and regulations and on the same playing field. Chair S. Bogert asked about signs and Planning Director D. Trefethen said they will all have the same sign regulations as well. Although there will be an asterisk in the immediate downtown area, so the traditional downtown area will be traditional. There could be electronic signs with the restrictions currently, but in the immediate downtown area no electronic signs will be allowed. Chair S. Bogert asked who would have jurisdiction regarding the boarding houses and Planning Director D. Trefethen said it would be either a Conditional Use permit through Planning Board of Special Exception through the Zoning Board, he couldn't remember.

A follow up on the short term lodging issue. Council asked to look at coming up with a proposal for the short term lodging issue. The language will create a specific definition for short term lodging, so they would no longer be considered rooming or boarding house. There would still be a rooming and boarding house, not covered by short term lodging. It would be done by administrative approval with an appeal to the Zoning board is someone disagrees on the granting of the approval or there's some type of an action or issue afterwards. This will be going back to the City Council Ordinances subcommittee within a few weeks. Then it would be referred to the Planning Board then back to Council for final approval. It is about 95% done but still could have more changes possible. Several objectives of what Council was asking for has been encompassed and that would be to allow short term rentals in all the residential zones, but for the City to have some type of control and minimal inspections. Primarily the issues have been noise, parking and trash and that will be addressed in the ordinance. There will be remedies for people who have issues. It is currently allowed in the Commercial Resort and the Shorefront Residential zones, with an administrative approval. Staff is unsure of the amount currently in the city, only the ones that have been complained about or come before the ZBA. When you go on to the websites, there are hundreds. It is Staff's impression that the activity is happening mostly in the waterfront, with some throughout the rest of the city. The word is getting out that this will be regulated and changing. Chair S. Bogert asked if the folks that have been before the board have an opportunity to go through the admin process and was told yes.

Planning Director D. Trefethen updated the board on the proposed performance zoning overlay district. The second public hearing for this will be before the Planning Board on June 4. He explained that the overlay

would encompass over the downtown and old State School area. He then explained the overlay concept. It is intended for larger lots, commercial or multi-unit residential proposals and used the Masonic building in downtown as an example.

10. ADJOURNMENT

Motion to adjourn made by R. Maheu, M. Foote seconded. All voted in favor.

The meeting adjourned at 7:55 PM

Respectfully,
Kalena Graham

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