

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Conference Room 200A
Accepted July 10, 2018

6/5/2018 - 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, Brett Beliveau, Michael DellaVecchia, David Bownes, Peter Brunette, Gail Denio, Edwin Bones, Claudia Marchesseault and Chair William Contardo

Absent: Dave Broughton, Sarah Jenna, Jay Forester

Chair W. Contardo stated there were eight members present and a quorum was established. Chair W. Contardo welcomed three new alternate members: Sarah Jenna, Brett Beliveau and Jay Forester.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Director Brandee Loughlin

Chair W. Contardo stated he would like to rearrange the agenda and would like the election of officers to be first. He announced that he would step down as chair and participate as a board member. He noted that another member had interest in the position and he supports that.

Motion to nominate Peter Brunette as chair made by D. Bownes, G. Denio seconded. All voted in favor.

The board did a slate vote on officers: P. Brunette for chair, E. Bones for Vice Chair and M. DellaVecchia for secretary. Planning Director D. Trefethen reminded that the new officers begin July. If the Chair's desire is to step down tonight, then the new Chair could take over. W. Contardo stated that was the desire.

Motion slate the vote for officers made by D. Bownes, C. St. Clair seconded. All voted in favor

W. Contardo exchanged physical seats with new chair P. Brunette.

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.1. Acceptance of May 8 minutes

P. Brunette asked if the minutes were acceptable and with no objections the minutes were accepted.

6. PRESENTATIONS

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.

8.1. PL2015-0142SPamd; White Oaks Rd, Paugus Woods development; amend the original approval to remove lot 33 to allow for second access

Peter Brunette stepped in as chair and mentioned that both Paugus Woods and Langley Cove applications would be discussed together.

Both applications were taken off the table and reopened at 6:39 pm.

Applicant: Jon Rokeh, Atty Mark Pinard and Atty Bill Philpot were present. J. Rokeh updated the board. One of the big items from the previous meeting was the gate and the applicant has decided to go forward with that. The traffic engineer confirmed that all the traffic will work using the single entrance. The applicant and staff have been working together on sizes and settled on a 20 ft gate. All the condominium docs have been worked out, the water documents are pretty well worked out at this point. Any outstanding items have been taken care of. Chair P. Brunette asked for clarification of the boundary line adjustments. J. Rokeh stated the bulk of the boundary line adjustment is between back parcel and the parcel that is 553 Weirs Blvd. The bulk of the land will be taken from the 553 Weirs parcel to make it 10,000 sf and the remainder to the development. The second boundary line adjustment is with one of the internal abutters. D. Bownes was not at the last meeting and had questions regarding the gate. J. Rokeh explained.

D. Bownes asked if the new proposal will meet the city's requirements. Planning Director D. Trefethen said it will meet the requirements for both Langley Cove and Paugus Woods. The fact that it's gated has no bearing on its applicability. D. Bownes asked what phase the road would be built and would it be built through Paugus Woods to White Oaks. J. Rokeh responded and said no, that all goes away. The connection will be made at phase 2 then the gate will go up after the utilities go in. No traffic will ever go through Paugus Woods unless there is an emergency. D. Bownes asked Staff if they were ok with that and Planning Director D. Trefethen stated yes, the concept is fine. Whether there is a gate or not, meets requirements and works either way. The board has expressed concern over the past several months the traffic going through Paugus Woods. So it's going to be the board's decision on whether the gate alleviates concern or not. From the technical aspect, the access meets the requirement for both projects. C. St. Clair is happy about the gate but worried about down the road with all the units. When they are completed and if the exit will be enough.

Planning Director D. Trefethen responded and stated that since the last meeting there have been two go rounds with the traffic engineer. After the last meeting staff asked for an updated traffic analysis based on the gate. DPW reviewed the new results. They had a question on the effect on Capri Condos across the street so the engineer went through it again. DPW and Staff are both satisfied with the results. The intersection that is being constructed by the applicant at Langley Cove will handle incoming and outgoing traffic. Traffic was also third party reviewed from The City as well. Chair P. Brunette asked staff if the gated entrance is within the scope of the regulations and Planning Director D. Trefethen said yes, it's in the National Fire code and controlled by the Fire Dept. The intention is once the decision is made, the gate is closed period, unless there is an emergency.

Abutter Input:

Ted Day of 104 Sarasota Lane spoke. The gate is a good idea. He is concerned about a future board allowing the gate to be opened. Siesta Lane is a mess right now and was part of the discussion last month. He wondered what the outcome is of that.

Atty Mark Pinard from Brady Sullivan spoke. It's the applicant's opinion that with the gate solution, the Paugus rules will apply to the Paugus roads and the Paugus approvals provide when those roads get upgraded. Which is when further development occurs. The gate will mean that the Langley Cove development will not be using the roads. He stated that the current roads in Paugus Woods are base coated and top coat would occur when the last units were built. The city has site security in place should the declarant not be fulfilled. M. Pinard's understanding is the build out of phase three occurs is when road upgrades are required. D. Bownes thought there was a 10 year requirement from the date of approval that the roads in Paugus Woods need to be finished. M. Pinard responded. He recalls the 10 year requirement is the control being turned over to the home owners association. He believes that is November 2019. He doesn't recall a 10 year requirement on the roads. Whatever the requirements are, they will be fulfilled.

Tom Miller of 27 Siesta Lane spoke. Palmetto is actually a subbase now from deterioration. He noted that Planning Director D. Trefethen walked the road and can attest. There are 7 houses on Palmetto but others in the development use that road as well.

Paul Wheaton of 537 Weirs Blvd. He had a question in the staff review page 4. The project comp deadlines have a date of 2020 and he questioned that. Planning Director D. Trefethen said the development will be phased. And under state law there is a maximum of two years given for completion and usually the board gives one year and if needed, extensions are requested. P. Wheaton asked who will be responsible for the roads in Paugus Woods next year and be responsible for the road costs. Chair P. Brunette stated that there is a bond for the case that the developer or successor fail. He questioned the traffic report. W. Contardo point of order that the City stopped taking bonds and only now take site security. P. Wheaton asked if during the 911 process will his address be changed and Planning Director D. Trefethen said staff suggested the change since the house will be off that access point for efficiency. P. Wheaton ended comments with

urging the board to do the right thing.

Atty Bill Philpot spoke. He reminded the board that there is an agreement in court procedures where W. Contardo recused himself. Chair P. Brunette responded by stating that he was assisting the new chair in understanding the intricacies of the procedures. He understands that W. Contardo has been recusing himself from proceedings involving the two applications. He added that W. Contardo is free to help the new Chair, along with any other board member, to get through the meeting with minimal mistakes.

The public hearing closed at 7:09 pm.

Chair P. Brunette asked staff some more questions. Would it be within the scope of these approvals for the board to require the developer to upgrade the Paugus Woods' streets? Planning Director D. Trefethen stated that at previous meetings the direction of the board was for staff to work with the applicant to try to come up with an agreement on some type of cost sharing mechanism for the use of Paugus Woods' roads for Langley Cove. With the idea of the gate, that came up from the last meeting, he has been going on the premise with the board's direction, that those were still items. While some the gate details have been worked out, other details concerning the gate have not been worked out in terms of long term maintenance of that access road, whether palmetto gets paved, etc. If the board wants staff to pursue some kind of cost sharing arrangement or negotiation, a reaffirmation would be needed. In which case the board would not be ready to vote tonight. He doesn't feel a vote should happen tonight because staff needs the agreements about the gate and everything related to it into the staff recommendations and conditions of approval. D. Bownes thinks the gate was the compromise to address the Paugus Woods residents' concerns. With that in mind, what is the board's ability to keep the gate and ask the applicant to address the roads situation in Paugus Woods. It doesn't seem to him that the board can do that. He always asks the app to come up with some kind of solution that will address Paugus Woods concerns regarding the road conditions. If the gate is the solution, then Paugus Woods stands alone in terms of the roads and what happens there. He was under the assumption that after 10 years requirement that the roads be completed. Planning Director D. Trefethen stated the board can require any reasonable conditions although that can always be subject to interpretation and what the board thinks reasonable, the applicant may not. He feels it be wise if the board wants staff to continue to peruse the aspects being discussed then they will and try to come up with a reasonable agreement that the board can memorialize in the approval and made it a conditional requirement that x,y & z are done. That doesn't necessarily mean the applicant will agree to that down the road.

D. Bownes concern is that the emergency road still needs to be passable. Planning Director D. Trefethen stated that of all the roads in Paugus Woods, Palmetto Lane is the worst. Chair P. Brunette understands what the applicant is saying about not improving the roads due to the fact that it won't be getting increased traffic and suggested making the rest of Palmetto be in good enough shape for emergency vehicles to get through a condition of approval. Planning Director D. Trefethen would not disagree but would appreciate direction from the board on how to pursue and how far he should go with it. Chair P. Brunette asked if it would be possible to have the board conditionally approve the applications, provided that staff can work out the details later and Planning Director D. Trefethen feels that leverage with the applicant would be lost. He mentioned there are two ways to proceed: the board can direct staff on how to proceed for the next meeting or for the board to direct the applicant on how to proceed.

E. Bones agrees with both sides. He suggested discussing with applicant on how much of Palmetto Lane can be taken care of. Chair P. Brunette understands the applicant doesn't want expensive conditions put on but the board often requires offsite improvements or infrastructure improvements that don't dire ben the development, like sidewalks.

C. St. Clair feels the developer should bend over backwards to get the Paugus Woods group smooth and he would like all the roads to be brought up to snuff. Chair P. Brunette asked how much is left for Paugus Woods to be built out and Planning Director D. Trefethen said it is about 40% built currently and approximately 50 more to be built.

G. Denio would like staff to look into bringing up the Paugus Woods' roads to where emergency vehicles can safely maneuver. The good size fire truck. C. St. Clair concurs with that. He feels the roads and drainage should be upgraded. He feels that would improve relations in the development.

J. Rokeh stated that phase 3 still needs to be started including the roads built and the units. The developer would rather not finish the roads because all construction traffic will still be going through the development.

D. Bownes would like to see other roads that would be impacted to be taken care of. He would like to get the application moving forward. Chair P. Brunette suggested giving staff a consensus recommendation that all roads need to be brought up to standard. Or Palmetto Lane at the very least. He asked staff if they could give

options for next month and Planning Director D. Trefethen agreed.

C. St. Clair wonders what the roads in Langley Cove will look like in the future. He asked J. Rokeh about the plan for Weirs Blvd by the bridge to catch any melting runoff so ice will not accumulate on the road and J. Rokeh said yes. There will be catch basins and detention ponds catch the water prior to getting on to the boulevard.

D. Bownes is satisfied that staff has thoroughly vetted the issues as it relates to drainage and steep slopes. There have been multiple requirements asked of the board and for the most part the applicant has complied.

Motion to continue the application to July 10 made by D. Bownes, C. St. Clair 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 July 10 made by D. Bownes, C. St. Clair seconded. 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- 0037SP; 55 Bay Street; Proposal for indoor (100 berths) & seasonal outdoor boat storage, future valet service

The public hearing opened at 7:41 pm

Applicant: Atty Phil Brouillard and Jon Rokeh were present. Atty P. Brouillard gave a presentation. This proposal is for a boat storage facility located on the old Fred Fuller plant lot which has been cleaned up. The applicant is proposing a 90 x110 ft building. The peak will be 45.7 ft high. The applicant received a variance for the use. The applicant has provided for future valet use. There will be a dumpster, outdoor fuel tank, landscaping and fencing and pervious parking surface.

J. Rokeh gave the proposal for the plans. This is an existing commercial lot and there is an existing building which will be torn down. Currently there is no landscaping and no greenspace. There is a plan to add landscaping along the edge of the lot with a fence. To balance the pre and post flows, there will be less run off. A sidewalk will be all the way around the property. There will be a building connected to municipal water and sewer. All the boat wishing will be done inside the building. For the future, if all goes as planned, the lot would have a direct connection to the water on the other side of the road. They worked with DPW and didn't put pervious pavement along the route to the water. Chair P. Brunette asked about esthetics and how the building will fit into the neighborhood. P. Brouillard stated that the area is an industrial area along with residential so the impact will be minimal. They are maximizing the separation between structures to give more open space. Spatially it will be a whole different view and feel.

G. Denio asked about the corner going from Bay Street to Winnisquam Ave and the current site issue there. J. Rokeh said the site will have a less of an issue. She also asked if the applicant was going to be restriping the road and Atty P. Brouillard said they will talk with DPW about that.

The public hearing opened at 7:53 pm

No one spoke for or against the application.

The public hearing closed at 7:54 pm

W. Contardo left at 7:50 pm and Chair P. Brunette appointed B. Beliveau as a voting member in his absence.

Staff Review: Assistant Director B. Loughlin gave the staff report and clarified that the application was only for the boat storage at this time.

Motion to approve the application with the dates and condition stated in the staff review made by C. Marchesseault, C. St. Clair seconded. All voted in favor.

The board took a break at 8:01 pm.
The board returned at 8:09 pm

- 9.II. PL2018-0036SU, 0056CUP(wetland); Outerbridge Drive (village #10) Southdown Development Proposal to develop 7 lot subdivision; waivers for landscaping plan, architectural plan and sidewalks

Applicant: Mark McLeod from H.L. Turner Group Inc, John Bernard and Atty Steve Nix were present. M. McLeod gave the presentation. The village is a 15 acre parcel off Outerbridge Drive with a stream channel that runs through the middle. That requires a 75 ft buffer. There are two separate road ways proposed that will be private and maintained by the home owners association. The parcel has municipal water and sewer at the corner of the lot. The plan is to drill under the stream channel and install a pump station. DES applications have been submitted and there will be temporary wetland impacts. The manhole they will be tying into is in the wetland buffer. The applicant is working with staff and the buffers will be clearly indicated so no other disturbance will occur.

S. Nix brought up the waivers for sidewalks and architecture. The applicant would like the property owners to design the houses they want built. He reiterated that the roads will be owned by Village 10 association and they will be responsible for plowing and maintenance, not South Down or the City. The sewer pump station will be maintained by Village 10 association and not South Down. That is all clear in the declaration. South Down has asked for bonds to be put up for road protection, which is different from the City money. Atty Robert Carey representing South Down gave staff the signed agreement. He noted some concerns of South Down. One of the reasons for the separate bond is for possible damage to the roads during construction. Both parties asked that the document be accepted and made a condition of approval.

D. Bownes asked why waive the sidewalk and S. Nix said there are only 7 houses on the two new roads and the sidewalk would be unnecessary. M. DellaVecchia was curious about the snowmobile trail easement as noted on the plan and J. Bernard said that the trail will be marked. M. McLeod noted that the applicant is tying into is the City's municipal utilities. The village name will be Darwin Place Western Terrace.

No one from the public spoke for or against. Although it was noted that the sled dogs race goes through that part of South Down by an audience member, Marge Lynn.

Staff Review: Assistant Director B. Loughlin gave the staff report. She noted a few changes: the completion date to 2020 and an addition to add the language from the agreement from Southdown that was just received. The street tree requirement will be reviewed prior to the certificate of occupancy issuance. She noted that there was a memo that came in late from conservation that can be made as condition of approval. D. Bownes reviewed the agreement that was just handed in. C. St. Clair discussed the fact that sometimes the board asked for money in lieu of sidewalk and Assistant Director B. Loughlin stated that option has been done in the past. However, the money needs to be used in the surrounding area that would be used by the residents, and she is unsure that is possible. There was discussion on options and end result was staff supports the sidewalk waiver.

The public hearing closed at 8:48 pm

Motion to approve the waiver for sidewalk made by D. Bownes, C. St. Clair. All in favor.

Motion to approve the CUP for the wetland buffer made by D. Bownes, C. Marchesseault seconded. All in favor.

Motion to approve the waiver landscaping and architectural renderings waiver made by D. Bownes, E. Bones seconded. All in favor.

Motion to approve the subdivision application with the revised completion date changed to 2020, the conditions stated in the staff review with the addition to the conditions to include the agreement from South Down and the conditions from the Conservation memo received May 29 made by D. Bownes, C. St. Clair 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. PL2018-0057CUP(wetlands); 80 Davidson Drive; storage shed on blocks 20 ft in the 50 ft wetland buffer

Motion to accept the application as complete and schedule the public hearing for July 10, 2018 made by G. Denio, C. Marchesseault seconded. All voted in favor.

11. NEW BUSINESS

11.I. Officer elections

This was at the beginning of the meeting

12. OLD BUSINESS

12.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

Assistant Director B. Loughlin explained the history of the decision.

Motion to reaffirm the Planning Board's 2016 decisions and send the changes to Council made by M. DellaVecchia, C. St. Clair seconded. The motion passed with E. Bones abstaining.

12.II. Request For Impact Fee Waiver For 355 Weirs Blvd; Application PL2017-0110SP

Director D. Trefethen noted that the applicant had to leave due to a family emergency. There was a discussion on whether or not the applicant needed to be present but the board would like to hear what the applicant had to say.

Motion to carry over the request to the July 10 meeting made by C. Marchesseault, G. Denio seconded. C. St. Clair remembers the conversation at the meeting when the application was approved and doesn't feel the applicant needs to be present. The motion passed with all in favor.

13. PLANNING DEPT REPORT

Planning Director D. Trefethen gave a brief report. At the last Council meeting it was suggested to have the Master Plan Steering committee, which was created last year and helped develop the master plan, should be continued to help with the implementation some of the various recommendations of the master plan. The committee is made of three planning board members, three council members. There may have to be one or two members of the planning board different from before. He anticipates it will be the same councilors. He asked the board if they want staff to approach council with the committee for implementation or does the board want staff to come with recommendations and he can touch base with the various councilors off line.

D. Bownes stated that the steering committee opened up a line of communication between the board and Council. He gave a brief history and suggested some of the newer members be appointed as some of the liaisons to other committees.

D. Bownes left at 9:16 pm

14. LIAISON REPORTS

Assistant Director B. Loughlin will gather information about LRPC in case anyone is interested in being a liaison. Dean Anson and herself are the representatives currently. There would be two seats will be available if anyone else was interested.

Conservation Commission: Assistant Director B. Loughlin will have information on upcoming events for next meeting.

15. OTHER BUSINESS

B. Beliveau asked about the training for new members and Planning Director D. Trefethen said they are planning to have some training either internal or external.

16. ADJOURNMENT

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

The meeting adjourned at 9:24 pm

Respectfully,
K. Graham