

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

6/7/2022 - Minutes

1. CALL TO ORDER

Chair Peter Brunette called the meeting to order at 6:33 PM

2. ROLL CALL

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

Absent: Stacy Soucy

L. Joseph was seated at a voting member

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 May 3 minutes

Chair P. Brunette noted an issue on the minutes from May 3 that he would like corrected with a motion and roll call vote. He explained that the recess Vice Chair S. Soucy asked for never had a vote or a reason and minutes should reflect that.

Motion to accept the minutes with the statement "for a non meeting the legal counsel" stricken made by C. St Clair, B. Cheney seconded. The motion passed 4-3 with B. Cheney, C. St. Clair, M. DellaVecchia, L. Joseph for; K. Beattie, R. MacNeill, S. Jenna against; B. Beliveau and P. Brunette abstained.

C. St. Clair asked for item 8.I to be moved to the end of the public hearing section and start on 9.I. There was no objection.

6. PRESENTATIONS

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.

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. 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 and Secretary M. DellaVecchia stepped in as Acting Chair.

Motion for the board to take a five-minute recess made C. St. Clair, B. Beliveau seconded. The board recessed at 8:23 PM and returned at 8:30 PM with Atty L. Spector-Morgan joined at the table.

S. McWilliam was seated as voting member for this application.

Applicant: Ron DeCola representing the property owner addressed the board. He asked for the approval to the amended site plan. The applicant has done all that has been asked of them. The issue has been with the abutter and reached out to him a few times, will continue to work with him on those issues. The applicant feels the two issues are mutually exclusive and the approval of the site plan should not be held hostage due the abutter's concerns.

The pre and during surveys have been done with no issues identified. L. Joseph asked about revs and the applicant is not subject to any one that they are aware of.

C. St. Clair clarified that there are before and after photos of the abutting driveway and foundation and was told yes.

The public hearing opened at 8:39 PM

Abutter input: Peter Brunette of 15 Park Street addressed the board.

The public hearing closed at 8:48 PM

Planning Director D. Trefethen noted the amendment is to show where the steel pilings are located. All other conditions from the approvals remain in effect.

C. St. Clair noted the applicant has done a great job at rebuilding the Lakeport Square area. He is very uncomfortable that no one has def do something a feels it is not out of order to discuss the conditions for the mitigation. He feels it's up to the applicant to work out the issues with the abutter. B. Cheney agrees. He is disappointed that nothing had been done since the last continuance as that was the reason for it.

Atty L. Spector-Morgan suggested a response in writing from the applicant.

Motion to table the application to July 12, 2022 with the direction that the applicant respond to the Planning Dept in writing two weeks prior to the July 12, 2022 meeting on two items: the status of negotiations on the six requested mitigation items from P. Brunette and status and results of inspections from of the Park Street Trust LLC property made by B. Cheney, C. St. Clair seconded. S. McWilliam brought up the development off Endicott East and how the applicant worked with the abutters on the issues and hoped the same would happen here. The motion passed 8-1 with S. Jenna in the negative.

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. Table of Dimensional Requirements review

Planning Director D. Trefethen went over the proposed changes to the chart. The proposal came from

the Master Plan Steering Committee (MPSC). There are three basic goals to the change: to bring Laconia into more similar to surrounding and similar communities; to bring existing lots into conformance particularly in the RG zone; to try to spur development in selected zones. There was multiple discussions on the height with no consensus from the board or the committee at this time. M. DellaVecchia would like to see that changed and suggested some kind of formula with the footprint of the structure. He understands the want to maximize space but doesn't like the see towers on the lake. B. Beliveau suggested a formula in which the height of the structure could not exceed the length of the longest side of the structure.

The public hearing opened at 7:01 PM

Abutter input: Bob and Louise Draper of 144 Lake St #17 addressed the board. They were not here for this but thought they should when realized some of the comments were their condo complex. They bought their property 20 years ago and 2-story was not allowed per the condo docs. Then over time things have changed.

The public hearing closed at 7:05 PM. Then reopened at 7:07 PM to let someone on Zoom speak but didn't. The public hearing closed again at 7:09 PM

S. Jenna asked if Staff would be ok with tabling the item to add height changes and there was no objection as there is no hurry.

Motion to table the proposed revisions to add changes to the height to September 6, 2022 for MPSC to work on numbers made by C. St. Clair, S. Jenna seconded. All voted in favor.

K. Beattie suggested moving item 9.III next and there were no objections.

- 9.II. 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

Applicant: Atty Ethan Wood representing the Dive owner and the property owner addressed the board. The property owner had made an arrangement with the Dive to dock at the existing dock and have the employees park on the site. A rough calculation shows 16 spaces and the Dive would only need 4 spaces and rarely 5. The property is currently not being used as cottages and only the property owner resides there. The owner would still like to continue the extra income. There will be no changes to the property. There is no issue with the line of site on the stretch of the road. The Dive would dock the boat at night for the season and wouldn't be used as a restaurant/bar while docked.

C. St. Clair asked about the safety of the employees at night when crossing the street and what will be done to ensure they stay safe. Flashlights or reflective gear or some kind of illumination was suggested.

Atty E. Wood noted there will be no commercial deliveries on the property and the septic truck would be the only large vehicle on the lot when necessary. S. McWilliam asked about the volume of trash and E. Wood noted that there is an enclosed spaces with bins that would be picked up more than once a week. Planning Director D. Trefethen asked how the products would get on the boat and was told the employees will load the boat in the morning and at night the trash would be taken out to the bins.

An option to approve the request for only a year to see how things go or conditions that a report be given. Laura Spector-Morgan, the City's attorney, addressed the suggestions. She said a report could be requested but it would need to be specific on what is being looked at.

Planning Director D. Trefethen noted that visibility is important and removing or pruning the vegetation near the edge of the property will help.

The public hearing opened at 7:43 PM

Abutter input: Atty L. Spector-Morgan suggested a question be asked about how many boats (just the one or the one with supporting vessels) will be docked on the site since it was an issue that raised the last time this proposal came about.

S. McWilliam feels the anonymous email that was received should not be considered.

Abutter input via Zoom: Walter Santoro a property owner since 1996 and never had issues with the Dive in the past and is in favor of them. He has seen more food than alcohol being served. There haven't been any traffic issues and would love to see them prosper.

Brian Smith of 507 Weirs Blvd spoke in favor of the Dive. He has never had any problems with the operation or traffic. It is family run and a good operation. Owner is very safety oriented.

Jimmy Colharen is the Manager of the Dive since last year. The employees are eager to start the season. He has had a lot of people asking when they will be opening. He noted there is one support vessel unsure if it will be docked with the Dive or not. There was a vessel that would pick people up and gave an example when they were on the sandbar off the Margate. Last year they were able to pick up people that didn't have boats and is unsure if that is the plan this year. The support vessel would also take staff to and from the boat if needed.

Frank Donlan of Scenic Rd in Gilford noted he is the author of the rejected anonymous email. He stated the owners are just asking for fair treatment and emphasized what was written in the email.

Jeff Morin of 72 Landing Ln noted that in the last meeting he heard negative comments and wondered if those individuals should recuse themselves.

Time Peano of 507 Weirs Blvd echoed much of the previous comments.

Kirsten Stinson of Belmont works on the Dive and echoed previous comments. The company is great to work for and it's not dark when they exit the boat at night.

Dan Ohara of 311 Elm St echoed the previous comments. He wondered if those proposed restrictions on street crossing is imposed on all patrons crossing the street.

The public hearing closed at 8:00 PM

Staff Review: Planning Director D. Trefethen asked Atty E. Wood where and when patrons are picked up from other locations. Atty E. Wood is unaware and noted that is not part of the site plan. Planning Director D. Trefethen noted that if it were another property then they would need to amend their site plan. Last fall he was under the impression that the boat was not in operation but under repairs. Atty E. Wood had no information on the use of the dock last year. Planning Director D. Trefethen mentioned to the board that the comments about not having issues last year were because it wasn't in operation. He went over the staff review. He reiterated that this is a private dock and not a marina or commercial dock. He pointed out that one reason for the specifics with parking is that the lot is an existing cottage colony. It might not be in operation currently but it could be any time and the parking would need to be able to support both the colony and the proposed use of the Dive.

Planning Director D. Trefethen brought up the waivers and that the request makes sense because there is no change to the property other than the use of the dock and places to park. The vote on the waiver should be done prior to the decision of the site plan.

Motion to approve the waivers requested made by S. Jenna, C. St. Clair seconded. S. McWilliam had concern with what he had been seeing on social media with the applicant and read a statement he had prepared noting this was the first time the application was before the board. M. DellaVecchia asked

how many patrons the Dive held and K. Beattie said the State's Fire Marshal and Liquor has approved 80. M. DellaVecchia would like to see some kind of illumination for safety. Atty E. Wood noted there is a light on one of the poles. R. MacNeill noted that the safety of the employees falls on the Dive and not the City. The motion passed 8-1 with B. Cheney in the negative.

Motion to approve the site plan application with the dates and condition as stated in the staff review made by S. Jenna, M. DellaVecchia seconded. C. St. Clair clarified that the application is ok with keeping the foliage around the road trimmed and Atty E. Wood agreed. The motion passed 8-1 with B. Cheney in the negative.

- 9.III. PL2022-0046CUP(waterbody buffer); 144 Lake St #17; Proposal to expand exiting deck to 11x17
~waiver request for professional plans & delineations

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

Applicant: Bob and Louise Draper addressed the board. They explained that when they first bought the cottage jet skis would be trailered to the beach and the path was right where their deck was proposed and they needed to leave room. The jet ski launch has since ceased and they would like to square off the deck to make it slightly bigger. They are currently 70 ft from the lake.

The public hearing opened at 7:19 PM

There was no one to speak for or against the application. The public hearing closed at 7:19 PM

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

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

Chair P. Brunette returned to the table as chair.

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.

11. NEW BUSINESS

Planning Director D. Trefethen raised the question to continue with using Zoom and what the board thought. Zoom was not used prior to Covid and Planning Board and City Council are the only remaining boards to use Zoom. He suggested it something to consider for the future.

C. St. Clair would like to keep using Zoom for those that can't attend the meetings. Feels it not good to take the access for the public away.

Chair P. Brunette would like to continue using Zoom to keep until the Council stops.

Chair P. Brunette would like the Performance Zoning ordinance to be looked at again and put on the "old business" for July 12.

B. Cheney would like Planning Director D. Trefethen to give as much of an update he can on the Lakes Region Facility.

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

LRPC: R. Mora noted that an email went out and a deadline has passed for tickets to the annual meeting dinner and no one responded.

HDC: C. St. Clair noted the Commission is still waiting on Council action to the ordinance changes.

15. OTHER BUSINESS

15.I. Reconsideration of sidewalk waiver 244 Province Street

Motion to reconsider the sidewalk waiver and grant the waiver made by B. Cheney, C. St. Clair seconded. Discussion:

Planning Director D. Trefethen noted that because of the sequence of the vote for the application, where the site plan which doesn't have sidewalks located on the plan was approved before the waiver was denied that causes an issue. It was opposite of what should have occurred. If the waiver was voted first and denied the other option would have been to table the application or approved the application with requirements that the sidewalk be on the plan. Whether it constitutes a reconsideration vote by the board or whether it would be an administrative appeal to straighten out the mess is the issue. Chair P. Brunette disagreed and doesn't feel the order in which the actions were taken is legally relevant.

Atty Phil Brouillard addressed the board and mentioned that they approved a plan with no sidewalk and denied the waiver. He noted the area is outside the urban compact and there is only 130 ft of road frontage on Province Street. He mentioned the developer has no problem with putting money aside for sidewalks to be built somewhere that they are needed. A collaborative approach could be with Planning Staff, DPW and the application to come up with an amount. There will be internal sidewalks built to the dog park. Atty P. Brouillard also requested the completion date be moved from 2024 to 2025.

Jon Rokeh went over the plan viz Zoom and showed where the drainage is delineated.

B. Beliveau noted the discussion has been discussed many times before and a fund should be made for sidewalks. Planning Director D. Trefethen noted there is and the last one was for the 126 Union Ave apartments across the river and that hasn't been constructed yet.

Chair P. Brunette noted suggestions could be for Council to move money in the funds for sidewalks for long term. It was suggested to ask DPW to prioritize where sidewalks are mostly needed rather than the nearest to the development.

The motion was amended to add the sidewalk calculation and the fund. All voted in favor.

Motion to change the completion date to May 2025 made by C. St. Clair, K. Beattie seconded. All voted in favor.

16. ADJOURNMENT

With no objections the meeting adjourned at 9:43 PM

Respectfully,

DRAFT