



City of Laconia
Zoning Board of Adjustment
TUESDAY, June 16, 2020 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

6/16/2020 - Minutes

1. PUBLIC PARTICIPATION

Zoning Board of Adjustment Chair, Steve Bogert, read the Introduction for electronic meetings: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. Please note that there is no physical location to observe and listen to the meeting, which was authorized pursuant to the Governor's Emergency Order.

However, in accordance with the Emergency Order, this is to confirm that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means; We are utilizing the Zoom platform for this electronic meeting.

All members of the Board have the ability to communicate during this meeting through the Zoom platform, and the public has access to watch the live YouTube video at <https://www.youtube.com/laconianh>, listen to this meeting through dialing the following phone # 1-312-626-6799 or +1-646- 558- 8656 or participate by the Zoom app: Webinar ID: 810 9361 0695 password 143959.

b) Providing public notice of the necessary information for accessing the meeting;

We previously gave notice to the public of how to access the meeting using Zoom, and instructions are provided on the City of Laconia's website at

https://www.laconianh.gov/AgendaCenter/ViewFile/Agenda/_06162020-1257?html=true

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access; If anybody has a problem, please call 524-3877 x 249 or email at: zoning@laconianh.gov

d) Adjourning the meeting if the public is unable to access the meeting. In the event the public is unable to access the meeting, we will adjourn the meeting and have it rescheduled at that time. Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

2. CALL TO ORDER

The start of the meeting was delayed briefly to allow for all members to be operating on the Zoom platform. Chair Steve Bogert called the meeting to order at 7:04 PM

3. ROLL CALL

Present: Steve Bogert; Orry Gibbs; G. Ober (via Zoom); Roland Maheu; Michael DellaVecchia; Mike Foote

4. RECORDING SECRETARY

K. Santoro, Zoning Technician

5. STAFF IN ATTENDANCE

Dean Trefethen, Director of Planning & Community Development

6. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

6.I. May 19, 2020 Zoning Board Of Adjustment Regular Meeting Minutes (PDF)

O. Gibbs made a motion to accept the corrected minutes of May 19, 2020 as presented.

R. Maheu seconded the motion

All in favor (5-0)

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. ZO2020-0021SE 72 Church St Special Exception Application (PDF)

Applicant Randy Bartlett presented his application to the Board. He explained that the café would be closed but the kitchen would remain as the Riverbank House Culinary Training Center; the gym would remain open as he has a small number of clients and the yoga studio would remain. The intent is to utilize the right side of the building as housing for individuals who have gone through the program, this is a more independent living situation. He then outlined his responses to the parameters for a Special Exception as submitted on his application.

Randy Bartlett then addressed the signs in front of the building. He stated he does not want to remove the signs as he feels it would lower the value as a commercial property in the future. He noted that the Karma Café sign would be refaced with Riverbank House Culinary Training Center and indicate that the café is closed to the public. The gym is still open and the yoga sign would be refaced with Riverbank House logo.

M. Foote clarified that the applicant is asking for ten beds, not ten bedrooms.

At 7:26 PM S. Bogert opened the public hearing. Due to the short delay on Zoom the Board waited a minute to allow the public to speak/call in.

At 7:27 PM, with no one to speak for or against the application, S. Bogert closed the public hearing.

S. Bogert asked about conditioning an approval that if the building were sold, the use as a boarding/rooming/lodging house would go away unless someone purchases and maintains same type of use (recovery program; not open to public)

O. Gibbs made a motion to approve application ZO2020-0021SE for the Special Exception to allow for the conversion of a portion of 72 Church Street to be converted to a Boarding/Rooming/Lodging house with ten (10) beds maximum with the following conditions:

Remove the wall sign; modify existing signs as outlined in the presentation; if the use of the building changes it will return to the ZBA for review; and all local and state permits and inspections will be acquired.

a. The use requested is specifically authorized in this chapter.
The use is allowed by Special Exception in the zone.

b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

The amount of traffic will be reduced when compared to the use as a café. Less cars will be coming and going which will reduce traffic congestion and improve pedestrian safety.

c. The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.

The use of the public water system, drainage, sewer system and other municipal systems will be reduced when converted. The café used a large amount of water to operate; the use as a boarding/rooming lodging house will have reduced impact on drainage and the sewer system compared to a business open to the public.

d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The proposal will lessen the demand for municipal services by removing the public use of a significant portion of the building as the café.

e. Any special provisions for the use as set forth in this chapter are fulfilled.

All special provisions are fulfilled. All other provisions of the ordinance as parking and use will be fulfilled;

f. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

The flow of the public to and from the building will be substantially reduced, this will improve the safety and general welfare of the public.

g. The proposed location is appropriate for the requested use.

The location is appropriate as it mirrors the surrounding property uses as boarding houses and rental properties.

h. The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

As outlined in the request, this proposal is consistent with the spirit and intent of the ordinance and master plan by allowing for a variety of types of housing.

M. Foote seconded the motion.

Four in favor; one abstained (G. Ober – due to the fact she was unable to hear the presentation well via Zoom)

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. ZO2020-0014SE 16 Birdie Way Special Exception Application Rehearing (PDF)

Application for Special Exception was withdrawn by the applicant. It was noted that the applicant will no longer be pursuing short term lodging at this time.

9.II. ZO2020-0032VAR 175 Mechanic St Variance Application (PDF)

Applicant Richard AuCoin, representing Inreach Ministries, explained that the church would like to pave the rear portion of the property, up to the fence line. They have tried putting in a gravel base but it did not help. He explained that he had met with both Planning Director, Dean Trefethen, and the Public Works Director, Wesley Anderson, out on the site. This is the best course of action to alleviate several issues as the area is very wet and gets muddy. The parishioners are unable to access the ADA entrance when its wet and it has a lot of sediment runoff which goes into the catch basins.

Planning Director Dean Trefethen explained that it is the preference of the DPW that this area be converted from gravel to pavement to reduce the amount of sediment that is going into the catch basin.

At 7:51 PM S. Bogert opened the public hearing. Due to the short delay on Zoom the Board waited a minute to allow the public to speak/call in.

At 7:52 PM, with no one to speak for or against the application, S. Bogert closed the public hearing.

M. Foote made a motion to approve application ZO2020-0032VAR for a variance from Article VI Section

235-36(B) and 235-48(E)2 to allow for additional paved parking within 10' of rear boundary line.

(1) The variance will not be contrary to the public interest;

Granting the variance would not be contrary to the public interest as it will improve the drainage on the subject lot which will be in public interest as it will reduce amount of sediment flowing into catch basins. It will also allow improved ADA accessibility to the building and have no effect on the public.

(2) The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would be observed as the owners are improving the property and reducing the amount of sediment into city catch basins in addition to providing ADA access to services.

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because it would not alter the character of the neighborhood and it has a positive impact on municipal services by reducing sediment runoff into city systems.

(4) The value of surrounding properties are not diminished; AND

If the variance were granted, it will not have a negative effect on surrounding property values, it will improve the surrounding area with improved drainage and reduced runoff of sediment.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;

Currently the area is gravel and mud, due to the slope of the lot the sediment runs into the city catch basins. The proposed use is a reasonable one as it will improve the lot, allow ADA access to religious services, and reduce runoff into city systems.

R. Maheu seconded the motion.

All in favor (5-0)

9.III. ZO2020-0033VAR 81 Island Drive Variance Application (PDF)

O. Gibbs recused herself from the application due to a conflict of interest; M. Dellavecchia was seated.

Attorney Paul Fitzgerald outlined the application and the variance parameters to the Board. The applicant would like to add a deck to the second floor of the structure and redo the patio below. He noted that there are already existing slider doors on the second floor and it appears that the deck was intended to be installed but never was. He also noted that the neighboring properties all have decks, the applicants property is the anomaly without a deck. Attorney Fitzgerald noted that approval has been requested from the condominium association and is expected soon but it had not been received in time for the meeting.

At 8:09 PM S. Bogert opened the public hearing. Due to the short delay on Zoom the Board waited a minute to allow the public to speak/call in.

At 7:52 PM, with no one to speak for or against the application, S. Bogert closed the public hearing.

G. Ober made a motion to approve application ZO2020-0033VAR for a variance from Article VI Section 235-35(B) to allow for the construction of a 6' x 23' balcony over existing patio in the rear setback with the conditions that the appropriate State Shoreland Protection Permit be received; and that the approval of the condominium association is received.

(1) The variance will not be contrary to the public interest;

Granting the variance would not be contrary to the public interest as it is in with keeping with other similar neighborhood structures.

(2) The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would be observed as the owners would be allowed appropriate and regular second home use of the property.

(3) Substantial justice is done; AND

Granting the variance would do substantial justice because it would not alter the character of the neighborhood if denied it would deny the applicant an amenity enjoyed by others in the same zone.

(4) The value of surrounding properties are not diminished; AND

If the variance were granted, it will not have a negative effect on surrounding property values, it will increase the applicant's property and enhance the surrounding area.

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;

Other neighboring properties have a similar amenity; the proposed use is a reasonable one as it is a reasonable use of a waterfront second home.

R. Maheu seconded the motion.

All in favor. (5-0)

O. Gibbs returned to the meeting; M. Dellavecchia stepped back to alternate.

10. OTHER BUSINESS

D. Trefethen informed the Board that, even with the withdrawal of 16 Birdie Way, there is a need to convey to the Board the points by legal counsel. He is working on it for a timeline, hopefully it will be available by the July ZBA meeting. He also noted that hopefully the Board will be meeting completely "in person" by July.

11. ADJOURNMENT

At 8:17 PM M. Foote made a motion to adjourn the meeting

O. Gibbs seconded the motion.

All in favor. (5-0)