



**City of Laconia**  
**Zoning Board of Adjustment**  
Tuesday June 21, 2022 - 6:30 PM  
City Hall in the Armand A. Bolduc Council  
Chamber

6/21/2022 - Minutes

1. CALL TO ORDER

Call to Order: 6:33

2. ROLL CALL

J. LaRoche, R. Maheu, M. Dellavecchia, S. Bogert, M. Foote, R. Boddie

3. RECORDING SECRETARY

Sheena Duncan

4. STAFF IN ATTENDANCE

Dean Trefethen, Planning Director

Sheena Duncan, Zoning Technician

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance Of May 17 Minutes

M. Foote **Motioned to accept** the May, 17, 2022 meeting minutes as presented. R. Maheu **seconded**. All in favor **5-0**

6. EXTENSIONS

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. ZO2022-0022VAR; 377 Union Ave

Variance request from density to allow one unit to change from commercial to residential, for a total of 11 residential units.

Elias Sturgis, owner, addressed the Board. He stated that his company bought the property roughly three months prior to the meeting. The property was already split into 11 units, one of which was

currently commercial but had at one time presumably been residential. He wished to return it to residential use, stating that it would pose less foot traffic and parking need than a commercial unit

R. Boddie inquired about existing parking, having been to the site prior to the meeting, finding none.

E. Sturgis said that there was limited parking on the front and sides of the building, and that residents are currently renting under the assumption that there is no provided parking.

R. Maheu asked D. Trefethen if the lack of parking could be considered "grandfathered", and that there was no new building, simply a change in use.

D. Trefethen replied that it made sense to allow the unit without a parking plan because it had already been operating without one for some time, and the residential use would require less parking than a commercial unit. The walkability of the area and close proximity to amenities made it reasonable for a renter without a car, and to maintain status quo.

**Opened to public comment: 6:41.**

M. Dellavecchia asked where the current tenants park. E. Sturgis stated that he was not sure where they park, and that he planned to market the unit as "no parking".

**Closed to public comment at 6:44**

R. Boddie stated that there was some parking available on the side and some other areas in public spaces. He was happy with the decision to market without parking.

The Board discussed the lack of parking requirements in some major cities.

M. Dellavecchia said that the building and situation was unique.

M. Foote **motioned to approve** ZO2022-0022VAR as presented.

**1. Granting the variance would not be contrary to the public interest because:**

Converting a commercial unit to a residential unit adds relief to the housing crisis.

**2. If the variance were granted, the spirit of the ordinance would be observed because:**

The unit fits the community and has walking access to goods and services.

**3. Granting the variance would do substantial justice because:**

Foot traffic will be reduced.

**4. If the variance were granted, the values of the surrounding properties would not be diminished because:**

The proposed use will not have adverse effects on property values.

**5. Unnecessary Hardship**

**a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:**

**i. No fair and substantial relationship exists between the general public purposes of the**

**ordinance provision and the specific application of that provision to the property because:**

The unit will be located in an area with ample access to goods and services, and provide housing where these are most accessible.

**Seconded** by J. LaRoche. All in favor. **Motion passed, 5/0.**

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. ZO2022-0032SE; 224 Endicott St East; Applicant Is Requesting A Special Exception For Article V Section 235-26 Uses Permitted By Special Exception To Allow For Multifamily In The SFR Zone

**ZO2022-0022VAR:** 224 Endicott St East, request for Special Exception from Article V, Section 235-26 (Uses Permitted by Special Exception) to allow for multifamily use in the Shorefront Residential (SFR) District.

**Jeff Lewis of North Point Engineering** addressed the Board. He stated that the developer had already been granted permission to construct 12 units on the site in the past.\*

He said that the parcel was sloping, with some minor wetlands that created some issues prior to the City's change in stance on the 50' buffer around wetlands, but that the applicant was now in the process of obtaining permits to fill them. He stated that there would be no major impacts on utilities and services, as they were only seeking 2 additional units at this time.

He noted that the current development had created some off-site drainage issues, and that they were currently in the process of improving the storm water maintenance design.

The Board discussed existing conditions, permitting and nature of the Conditional Use Permit that had already been obtained.

**Opened to public comment at 7:04**

**Charles Mihle, 36 Nestledown Dr # B, Board of Directors, Sundown Condominium Association** - referencing photographic evidence that had been submitted as an abutter comment, cited Section "C" of the Special Exception criteria, noting that the runoff being created by the existing units was creating significant ponding, very wet conditions in back yards in the Sundown Condo Association. He worked with the Department of Public Works, Department of Transportation, and the Conservation planner/ technician regarding drainage since the initial construction at 224 Endicott St. Sundown had low confidence in the new proposed drainage, wanted surface water problems addressed, and legal assurance that these problems would not continue.

M. Foote asked C. Mihle if Sundown had a master drainage plan. C. Mihle explained some of the drainage in existence on their site and restated that they had never had such drainage problems in the past.

**Robert E. Ducharme P.L.L.C., attorney for Sundown Condominium Association** -existing drainage problems that have not been remedied, it is likely the problem would only be made worse for Sundown with additional construction. He referenced "un-necessary hardship," stating that the Board had already granted permission to develop units, denying these would not cause any undue hardship.

**Mark Granoff, 41 Nestledown Dr., President of the Sundown Condo Association** – The developer and the City were addressing the drainage issues, which was impacting them already, and construction wasn't completed yet. R. Maheu asked if any units had cellars, to which M. Granoff replied yes, and

that some of them had experienced water intrusion.

**Susan Geringer, 59 Nestledown Dr.** -Mosquitos were now worse than ever. She asked if there were enough turning radius for fire trucks on site and mentioned that an agreement had been made to replace trees and plantings when the developer sought an easement, stating the planting had never been completed and needed to be.

**Bruce Elfman 63 Nestledown Dr. #C** Stated that he could no longer step off his deck due to the ponding in his back yard, being caused by the development.

**Howard Richard, 84 Ashley Dr.** -There was now standing water where the ground had always been damp this time of year, and that the proposed drainage pond was now closer to his house. He said that the drainage problems had damaged Ashley Drive, and that the City had already had to repave it.

**There being no others to speak on the issue, public comment closed at 7:27.**

J. Lewis stated that the need to fix the drainage had already been established, and could be addressed by the Planning Board, but that they had to first get the Special Exception before they could move on.

S. Bogert stated that he had reservations about approving because of the number of issues that had already been experienced. Section "C" speaks to increased runoff.

The applicant stated that there had been discussions with DPW and others to work toward a positive outcome. He mentioned that this could be caused by nature, and not the development.

S. Bogert mentioned that plantings could help mitigate some of the runoff.

The applicant stated that this had been addressed in newer plans that they had not brought with them to this meeting, intending to bring them to the Planning Board meeting. He asked the applicant if they had spoken to the neighbors (Sundown). The applicant had not. S. Bogert suggested that they speak to Sundown and try to come to an agreement about their needs.

M. Foote mentioned several sources of off-site runoff, stating that Sundown was the low point where all these waters would naturally converge.

**S. Bogert reminded the public that the public hearing had closed, at 7:55.**

R. Boddie said that there were existing drainage issues on Ashley, made worse by the new construction. He believed that the Special Exception should be granted, and that they should let the Planning Board address the issue.

M. Foote said that he believed that there was a lot of water crossing Sundown, and a master drainage plan was needed.

The Board further discussed the responsibility of the Planning Board to work through the details of the drainage plan with the applicant.

**Motion** by M. Dellavecchia to **approve** ZO2022-0032SE as presented.

*Facts in support of granting the Special Exception:*

**a. The use requested is specifically authorized in this chapter:** "Multifamily" is a permitted use by special exception.

**b. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:** Adding 2 units will have no major impact on traffic, or 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 storm water runoff onto adjacent property or streets:** The Planning Board will address additional drainage concerns.

**d. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services:** Utilities are available. Adding only 2 units will have no major impact on infrastructure and services.

**e. Any special provisions for the use as set forth in this chapter are fulfilled:** There are none.

**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:** It poses no hazard to the public.

**g. The proposed location is appropriate for the requested use:** The use is in keeping with the neighborhood.

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

**Seconded** by M. Foote. Mr. Bogert added the caveat that the applicant should meet with Sundown Condominium Association and report to the Planning Board. **All in favor, 5/0**

There being no other business to discuss, M. Foot **Motion to adjourn. Seconded** by R. Maheu. All in Favor 5/0. Meeting adjourned at 8:14pm.

9. OTHER BUSINESS

None.

10. ADJOURNMENT

There being no other business to discuss, M. Foot **Motion to adjourn. Seconded** by R. Maheu. All in Favor 5/0. Meeting adjourned at 8:14pm.