

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

7/7/2020 - Minutes

1. CALL TO ORDER

Vice Chair E. Bones read the INTRODUCTION FOR ELECTRONIC MEETINGS

As Chair of the Laconia Board, 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 meeting where all members of the Board will have the ability to communicate, and the public will have 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 with the Zoom app. Webinar ID 849 1268 6917, Webinar Password 092760.

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

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: [planning@laconianh.gov](mailto:planning@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.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Chair Peter Brunette asked for a moment of silence for the recent passing of City Councilor and Planning Board member David Bownes.

2. ROLL CALL

Members physically present: Charlie St. Clair, Michael DellaVecchia, Edwin Bones

Members remotely present via Zoom: Stacy Soucy, Jewel Fox, Kirk Beattie, Rich MacNeill, Brett Beliveau, Peter Brunette

Absent: Sarah Jenna, Jay Forester

Stacy Soucy and Brett Beliveau were named voting members and all remote members were alone in the room.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen and Zoom Host: Assistant Planner Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance of minutes from June 2

Motion to accept the minutes from June 2 made by E. Bones, C. St Clair seconded. All voted in favor.

5.II. Board & Staff discussion concerning process of Zoom meetings

Planning Director D. Trefethen explained there had been some concerns about meetings using the zoom platform and reviewed this process. It was noted that all the meetings use the same platform in the same way. There was a short discussion regarding the zoom platform.

C. St Claire brought up the issue of the City Council using keys on the phone so those without computer access could participate. He added that he was sure that in Laconia this has been used by other boards. He would like people to be able to participate.

P. Brunette said we've complied with the order as near as he can tell. It's all we've got and it's going to be for a while.

J. Fox asked what the reason was not to include the \*9 and \*6 instructions for phone participation.

P. Brunette asked if there was a recording saying how to use the features when a participant phones in. J. Fox replied that there was not. He has no problem adding the phone instructions to participate. He sees no problem with that. There has to be a mechanism to notify if the connection is broken. He added that if further discussion is wanted then sit down with staff to work it out with them.

E. Bones said he's surprised at how well the Zoom meetings have been running. It's probably the best that we can do. Staff has done a great job setting this up.

D. Trefethen mentioned the additional options for people on the phone. If we say we are going to use the other options it makes us an outlier compared to the other boards and commissions. The second thing is let's announce the phone number during the call won't achieve anything. He fully understands Zoom isn't exactly the same but we're doing our best.

P. Brunette said we have met our requirements. Unless we start getting complaints we should continue what we've been doing.

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.

7.I. PL2015-0142SPamd; White Oaks Rd, Paugus Woods development; request to extend the approval to amendment to remove lot 33 to allow for second access

J. Rokeh, representing Brady Sullivan, addressed the board via Zoom. He noted that both applications go together for the requests. After the 2018 approval the items for paving had been completed by 2019. He showed the plan on the screen. The only condition of approval that is not done is to finalize and record the plans. The finalization of the plans and recording have not been done yet. He gave a brief explanation of the proposal. The applicant debated on submitting all the state applications for both

projects at once. The finalization can be done within the next few months for Paugus Woods. C. St Clair asked if residents had been contacted with regards to the paving and J. Rokeh said not to him. If they have reached out to Brady Sullivan he has not heard. The main parts of the paving, from Palmetto to Sarasota, will occur when the Langley cove development is under construction. The completion request is for another 2 years for consistency but Paugus Woods should be completed prior to that.

Planning Director D. Trefethen noted that staff supports the extension request and pointed out that extensions are allowed for one year. J. Rokeh agreed.

M. DellaVecchia said Paugus Woods' residents are not happy. The patch job was not done well and the other road is still in bad condition and it has been 2 years. Chair P. Brunette mentioned that the board can extend to six months and have the applicant come in and give progress, if the board desires. The conditional approval made it clear that the roads are to be repaired and improved and the applicant at the time, made it clear that it would be completed at the time of the completion of the adjoining development. If the extension is denied, where does it leave the residents. The board has jurisdiction, as long as the extension is granted. M. DellaVecchia is against the extension request. Planning Director D. Trefethen noted that the conditions that remained to be unfulfilled were to be done when the access road is constructed and that needs to be constructed when either development exceeds 50 units. Also noted was the fact that there was no specific time line, only when the access road was completed. He agrees that there are issues with the roads but it is not 100% within the realm for the planning board. The roads are private roads and there's a homeowners association. There are a lot of things going on up there that are of concern. Neither development can be completed without the access road.

Motion to approve the extension request for one year, to July 6, 2021, made by B. Beliveau, E. Bones seconded. M. DellaVecchia wanted a discussion. He asked what happens when another year goes by and nothing is done. The roads are unfixed and the drainage is messed up. He feels that approving the extension is saying it's ok to let the development suffer. Chair P. Brunette asked staff if the board can approve the extension provided the applicant immediately do the road repairs and M. DellaVecchia reminded that the residents have actually been waiting for 12 years and doesn't think the extension should be approved. J. Rokeh noted most of the years of the application, the proposal was in a 3rd party review required by the city. This was an active development that was held up by the city and it could've been completed. He also noted that even if the Langley Cove development started this fall, which is not possible, it would be a couple years before this development would be completed.

Planning Director D. Trefethen clarified the conditions for Paugus Woods. When the access road is built, that is when Palmetto Lane will get repaved. The condition was for Palmetto only. There are other problems with the streets in the development that are not covered by the condition of approval and they are the responsibility of the homeowners association. There are a number of concerns expressed about conditions in the development that he has not been able to verify. He gave a few examples. There are a number of issues between the HOA, developer and the home owners which makes it a civil issue and the board can not be involved.

It was brought to attention of the board that folks listening want to comment and E. Bones reminded this is not a public hearing and no input would be taken in regards to any extension.

There was a question regarding court action and Planning Director D. Trefethen noted that there was court action from several years ago but nothing recently to his knowledge. Chair P. Brunette noted the condition of approval was to wait until the end of the development to redo the main road at Paugus Woods. He also reminded the board this is an extension request and the board can not modify the approval, only extend the approval or not. He understands the objections that have been stated. J. Fox asked if a 6 month extension would work but the motion is for one year. B. Beliveau noted that any improvements would only be patched until construction vehicles are done and the development is complete. It doesn't make sense to finalize the roads when construction vehicles will still be traveling on them. If the request is to be denied the road won't ever be fixed by the developer. He would like to keep the year approval. M. DellaVecchia asked to clarify that no construction would be from Langley Cove and would use Weirs Blvd. J. Rokeh reminded him that Paugus Woods is only half built and construction would need to be finished in therefore the road would not be worked on until finished. There

was discussion on the homeowners association. The motion passed 8-1, with C. St Clair, B. Beliveau, E. Bones, Chair P. Brunette, K. Beattie, J. Fox, R. MacNeill and S. Soucy in favor and M. DellaVecchia against.

- 7.II. PL2011-0024SP, 0026CUP(Steep Slope), 0027CUP(Wetlands), 2015-0141SU(BLA), 2018-0023SU (BLA); 553 Weirs Blvd; Langley Cove Development, request to extend the approval for 291 unit cluster development and boundary line adjustments

J. Rokeh, representing Brady Sullivan, addressed the board via Zoom. The applicant has been working on the financials since the approval in 2018. They need state permits and there was a change in some permit fees. There were also some changes that required input from Fish and Game to the NHB. They have gone through the NHB process and was approved to not have to go through the more rigorous process. So now the applicant can move forward with an AOT permit. A shore land permit and wetland permit is needed as well. All permits were granted before with the higher unit proposal and he does not anticipate any problems getting them again. Within 6 months they should have all the permits and then they can estimate a start date for the development.

Staff supports the extension for one year and requests periodic status reports as the year goes by. J. Rokeh stated that as applications get submitted, the city gets copies as well.

Motion to approve the extension request for one year to July 6, 2021, made by E. Bones, B. Beliveau seconded. All voted in favor, M. DellaVecchia abstained.

- 7.III. PL2018-0071SP, 0074CUP(wetland); 174 Province Street, Grace Presbyterian Church, request to extend the approval to construct a 3028 sf addition and 32 parking spaces

Mike Bemis representing the church was present. He gave a brief history of the proposal from 2018. The prices of construction and work have exceeded what was anticipated. The church has been raising money to try to pay for the work. He has spoken with the planning department about possibly phasing the project to keep costs down. They just need more time for more fundraising. The church has been affected with the virus as well.

Staff supports the extension request. Staff has been working with the applicant over the past few months and they are OK with the phasing. However it is not a traditional phasing, it would be putting in the addition last and getting the site work done first. Chair P. Brunette had a concern about the site work and not being complete. Planning Director D. Trefethen noted there is no concern about that because site security has already been submitted and doesn't feel the applicant would just leave it unfinished.

Motion to approve the extension request for one year made by B. Beliveau, C. S. Clair seconded. All voted in favor.

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.
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.
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. PL2019-0135CUP(wetland); Woodvale Drive, MBL 166-357-5; proposal to construct garage & second driveway within the wetland buffer

Planning Director D. Trefethen noted the application is ready for acceptance. E. Bones asked if this application had been already approved and Planning Director D. Trefethen explained the previous application was for filling in some of the wetland buffer to put in a driveway and a retaining wall. This application is to build a second driveway and a garage. The second driveway would be 100% in the buffer. There is a pond on the property which has been determined as a vernal pool. That makes the buffer 100 feet, which envelops the entire property. R. MacNeill clarified the size of the garage to be 48' x 90' as it was hard to see on the plan. Planning Director D. Trefethen stated yes and suggested some of these questions be for the public hearing review. S. Soucy asked if the vernal pool will be affected by construction and was told yes. It was noted that DES permits will be required as well.

Motion to accept the application as complete made by B. Beliveau, J. Fox seconded. The motion failed 5 to 4, with M. DellaVecchia, K. Beattie, J. Fox, B. Beliveau in favor and C. St Clair, E. Bones, R. MacNeill, S. Soucy, Chair P. Brunette against.

C. St Clair asked about submitting applications and was told that you can submit an application for anything and it's up to the board to decide whether it's approvable or not. Assistant Planner R. Mora asked what the board is looking to make this a complete application and was told something that doesn't include such a negative impact. The applicant should work with staff on a better application.

## 11. NEW BUSINESS

M. DellaVecchia brought up Barton's. He is aware that a Paugus Park resident wrote a letter with concerns about the density and the higher purpose of the development and the letter was not read during the public input of the meeting last month. He feels letters to the board should be read, especially during this time. He also knows that a resident of Southdown Shores was unable to get on Zoom and wrote a letter to the City Manager stating that. He believes that is a lack of public notification in the papers for the whole project and people across the bay should have been notified as abutters. He asked a board member on the winning side last month for a rehearing due to the lack of public notification and people who tried to have input but were unable to do so. Chair P. Brunette feels that motion would be out of order because it needs to be made at the time of the meeting. M. DellaVecchia noted there is 30 days to appeal. Chair P. Brunette understands the concerns but he feels that a motion to consider a previously granted approval is appropriate. He asked if the people that were denied access were noticed abutters and was told no. M. DellaVecchia stated that to his knowledge only the properties touching the subject property. Chair P. Brunette asked if anyone during the meeting notified the board that they were unable to get access and was told no. Then the board has complied with the law.

### 11.I. Nomination AND election of officers

C. St. Clair asked Chair P. Brunette asked when he becomes county commissioner if he would be resigning from this board and was told no.

C. St Clair would like to continue with the reelection of the officers in place unless anyone is objecting or would like to serve that is currently not. K. Beattie seconded. All voted in favor. Chair P. Brunette thanked the officers for their services to the city.

## 12. OLD BUSINESS

M. DellaVecchia brought up Barton's. As you come by boat through the Weirs channel, there is a most ugly condo on the left hand side that has zero architectural value. It was probably built in the 1980s. He is sure that whatever board approved that back in the day, must regret it. He noted that most of the members on the board are younger than himself and will have to live with the decision that was made last month. When the albatross gets built and you hear the public outcry, you can say you voted for it. He asked to ask yourself why you are on the board. Is it to get your name out in the public and be a rubber stamp for all

plans that come before the board or do you really want to make Laconia a better place. The chance was blown to have an attractive building on that property. Instead there will be a giant box, crammed into a lakefront lot. C. St Clair really appreciates the passion and agrees with him but feels that they have to go by the rules set in the zone. He pointed out at the last meeting to go to council and look at the regulations if people want a change. He wasn't thrilled but went by the rules. He did not see a lot of outcry as well. He does not consider the board to be rubber stamped. Chair P. Brunette noted any aggrieved party can appeal at the court level. He also disagrees with stating that the board is rubber stamp. Chair P. Brunette thinks personal opinion on esthetics is irrelevant if it meets the technical requirements. The shore of Paugus Bay has been industrial and slowly converting to a resort community overtime. He encouraged all the members to speak up.

J. Fox added that looking back with the zone change it seems to have changed with this project. Planning Director D. Trefethen noted that the zone change is not related to this project but to the downtown area. The reason for the change in the setbacks were other projects. J. Fox said that the Master Plan does give us the responsibility to maintain the beauty of the area and to consider the impact on the surroundings. Chair P. Brunette said the master plan is a living document and should be updated regularly. He suggested those not in favor to bring a proposal of change forward. B. Beliveau noted that when you bring esthetics into play "beauty is in the eye of the beholder". The developer did explain the different views of the building esthetic wise and the beginning of the process. He feels they made the best effort to blend into the background.

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

15. OTHER BUSINESS

16. ADJOURNMENT

Motion to adjourn made by M. DellaVecchia, E. Bones seconded.

The meeting adjourned at 8:38 PM

Respectfully,

K. Graham