



City of Laconia
Zoning Board of Adjustment
Tuesday, July 21, 2020 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber
Draft Minutes

7/21/2020 - Minutes

1. CALL TO ORDER

Chair Steve Bogert called the meeting to order at 7:00 PM

2. ROLL CALL

Present: Steve Bogert, G. Ober, Roland Maheu, Michael DellaVecchia, Mike Foote

Absent: Orry Gibbs

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. June 16, 2020 Zoning Board Of Adjustment Meeting Minutes (PDF)

Motion to approve the minutes from June 16 made by R. Maheu, M. Foote seconded.

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.

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. ZO2020-0037SE 4 Duffers Drive Unit B Special Exception For Short Term Lodging Application (PDF)

No one was present to represent the application.

Motion to continue the special exception request to August 17, 2020 made by M. DellaVecchia, R. Maheu seconded. The motion passed 4-1. M. DellaVecchia, R. Maheu, M. Foote for and G. Ober against.

8.II. ZO2020-0047VAR 85 Zion Hill Rd Variance For Minimum Lot Frontage Application (PDF)

James Rhodes, recording secretary for Lakes Region Bible Church, Joe Allard, treasurer for the church and Steven Barrett, church trustee was present.

J. Rhodes gave a background on who the church is, what has been done over the years and the new proposal. There is an easement with the City to use the end of Clark Ave for a turnaround as well as snow storage. In 2019 the church went to the Planning Board for a subdivision at the end of Clark Ave and was told a hammer head was needed to get enough road frontage for the lots to be subdivided. Economically that was not possible and then Covid-19 happened. He recently met with staff on options and ended up at the Zoning Board level for a variance for road frontage on on the lots to be subdivided.

The houses existing on the church property are currently being used as a staff house and parsonage. The church does the maintenance after the end of Clark Ave. G. Ober is concerned about the city attaining another road to take care of.

Planning Director D. Trefethen explained the reason for the application. The lot is so big but has minimal road frontage. There is some frontage along Union Ave and some at the end of Clark Ave. All easements will be worked out at the Planning Board level. G. Ober asked about addresses and J. Rhodes noted the houses already have Clark Ave addresses and the homes themselves are a decent size with municipal utilities. The two homes would be splitting the road frontage off Clark Ave and the church's road frontage would be on Union Ave.

The public hearing opened at 7:03 PM. No one spoke for or against the application.

Chair S. Bogert clarified the road frontages for each proposed lot and noted that the proposal will gain potential tax revenue while maintaining the current benefits

The public hearing closed at 7:08 PM

Discussion:

Chair S. Bogert is concerned with more units going in because they can. Planning Director D. Trefethen noted the larger lot has steep slope and wetland and reminded the board they could add conditions to regulate the future use of the land. M. Foote asked about the shared driveway and if they own to the center line. G. Ober thinks that would be attorney or Planning Board to sort out. She asked Planning Director D. Trefethen what restrictions he suggested for lot 10.2, and was told no further subdivision or additional units of housing would cover it.

Motion to approve the variance for reduced road frontage request made by S. Bogert. The variance will not be contrary to the public interest, in this case the proposal will not alter anything as far as the overall look of the neighborhood, the housing has already been built and the properties are set forth. The character of the neighborhood, public health or safety or otherwise injure the public rights: in this case the public rights would not be injured, the city would remain with it's proper easement to take care of Clark Ave. The spirit of the ordinance is observed in the fact that we are removing land from a non taxable side to be put into productive use. The value of surrounding properties are not diminished: this should not have any effect whatsoever as far as the values of homes along Clark Ave or with the value of the church or with the two homes. After the subdivision the properties might gain value. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship: the hardship is in how the property is laid out, up the back country with limited road frontage. Conditions set forth: lot 10 would not have any additional conditions as long as Zion Hill Road remains private, 10.1 would remain as is with it's road frontage and 10.2 to have no further development, addition of houses for separate families or anything along that line. The lots should be set forth so that any future buyer would

be aware of that condition, set forth in their deed so there is not misinterpretation. M. Foote seconded the motion. The motion passed unanimously.

8.III. ZO2020-0048SE 11A Golf View Special Exception For Short Term Lodging Application (PDF)

Susan & Richard Lapierre addressed the board. They purchased the property in February 2012 and have been renting it since May 2012. The square footage is slightly above requirements for short term lodging. They rent to a similar size families with a 7 night minimum and several families return every year. Roche Realty is the company they have a contract with and Chair S. Bogert asked that a copy of that contract be submitted for the file. Planning Director understands the point and noted that the board can make that a condition of approval. He also noted that he has been speaking with their again and has had a huge part of the decision making process during writing the ordinance. He noted this property meets the requirements.

The public hearing opened at 7:25 PM. No one spoke for or against the application.

The public hearing closed at 7:26 PM.

Discussion:

The board would like to see the back up.

Motion to approve the special exception for short term lodging made by G. Ober. The use requested is specifically authorized in the chapter, the requested use will not increase demand for municipal services, the provisions of the chapter is met, it has the square footage and necessary prerequisite iterated in the ordinance, it will not create any hazard to the health, safety, or general welfare of the public and as a condition of final approval that the contract with Roche Realty be submitted to the Planning Dept for the file as back up. The contract will meet the criteria. R. Maheu seconded the motion. The motion passed unanimously.

8.IV. ZO2020-0050SE 176 Pleasant St Special Exception For Multifamily Dwelling Application (PDF)

The applicant has requested the two applications for 176 Pleasant be continued to August 17.

Motion to continue the special exception made by G. Ober, R. Maheu seconded. The motion passed unanimously.

8.V. ZO2020-0051VAR 176 Pleasant St Variance For Unit Density Application (PDF)

Motion to continue the special exception made by G. Ober, R. Maheu seconded. The motion passed unanimously.

8.VI. ZO2020-0053VAR 32 Carver St Setback Variance Application (PDF)

Claudia Marchesseault and Chris Roy addressed the board. The lot is an undersized lot and they would like to add a wood burning fireplace, which would require a chimney. In order to keep the size of the home, the chimney is proposed to be outside the house which would encroach in the side setback by a few feet. They intend to use all licensed contractor and buying the fireplace out of Meredith.

The public hearing opened at 7:33 PM. No one spoke for or against the application.

G. Ober asked what room the fireplace would be in and was told the living room. There are only 2 outside walls and one is in the front of the house. The bedrooms are in the rear, which leaves the side of the house.

The public hearing closed at 7:36 PM.

Discussion:

Both M. Foote and S. Bogert are comfortable with the request. G. Ober noted that two feet in a ten foot setback can be considerable so would like the inspector to keep an eye to make sure the encroachment doesn't exceed the requested amount.

Motion to approve the variance request made by G. Ober. The variance will not be contrary to the public interest because it will be properly ventilated and designed and built by qualified people so no real impact. The spirit of the ordinance is observed, it's a single family home. Substantial justice is done as it would allow the applicant the benefit of having a fireplace and has no impact to the neighbors if constructed properly. The value of surrounding properties are not diminished. The unnecessary hardship is that the lot is undersized to the zone and built prior to current zoning laws and reasonable request with minimal encroachment which is why the emphasis that the encroachment not grow. M. DellaVecchia seconded. The motion passed unanimously.

8.VII. ZO2020-0054VAR 125 White Oak Rd Setback Variance Application (PDF)

Eric Isnor addressed the board. He purchased the property in 2017 with hopes of retirement in the next few years. The proposal is to build a pavilion that would encroach 7 feet into the 75 foot front setback. It would be located right of the side of the house where an existing concrete slab is located.

The public hearing opened at 7:44 PM. No one spoke for or against the application.

The public hearing closed at 7:45 PM.

Motion to approve the variance request made by M. Foote. The variance will not be contrary to the public interest, it's within its rights. The spirit of the ordinance is observed because it would be the right of the person to exercise on his property what he'd like to build within the boundary of the ordinance. This would raise the value of the property and substantial justice is done. He doesn't believe it would draw down values of surrounding properties. The proposal is reasonable as its not impacting anyone else unnecessarily or inhibiting the use of their property. G. Ober seconded. The motion passed unanimously.

8.VIII. ZO2020-0055SE 59 Doe Ave Special Exception For Off-Premise Sign Application (PDF)

Keith OLeary, owner of Craft Beer Exchange addressed the board. The restaurant is opening in a couple of weeks. Because Doe Ave is off the beaten path in the Weirs, he has developed a lease agreement with Village at Winnepesaukee for an off premise sign. It will not be lit and will be wooden. There used to be a sign in the location but only the base still exists. They will only be removing any foliage around the area and won't be taking any trees down. The will be approximately 4 x 6, 4 ft across and 6 ft high, smaller than what was there before. There will be no site distance issue. Chair S. Bogert asked if the Village at Winnepesaukee signage would be affected by this and Planning Director D. Trefethen didn't think so after looking in the ordinance because it is associated with the restaurant and not the hotel.

The public hearing opened at 7:56 PM. No one spoke for or against the application.

The public hearing closed at 7:57 PM.

Discussion:

M. Foote feels it's reasonable for context of the Weirs. G. Ober asked what kind of sign and was told a wooden post and either metal or wooden sign. Chair S. Bogert asked about sizes permitted for off premise signs and also which property this application actually goes with. Planning Director D.

Trefethen suggested the board could put a condition that if the business doesn't exist, the sign needs to be gone and that the cost to be done by the applicant. Chair S. Bogert suggested an escrow for it. Planning Director D. Trefethen suggested if the business doesn't remove the sign, a lien be put on the property. G. Ober's concern is that the board not create any siteline issues and doesn't want to discourage businesses but doesn't know who the special exception would be going to. Chair S. Bogert was unsure as well. K. OLeary noted that the lease details the responsible parties.

Chair S. Bogert said that this is the first of these applications he has seen in some time and there are a lot of questions. He would like the City's attorney should look at the contract to make sure it complies and also to see who the special exception belongs to.

Motion to continue the application to August 17, 2020 for attorney review made by S. Bogert, M. Foote seconded. The motion passed unanimously.

8.IX. ZO2020-0056VAR 7 Foster St Setback Variance Application (PDF)

Lionel Bertiaume addressed the board. He purchased the property in 2008 with the existing structures. All were built prior to zoning and close the the property lines. There is an existing 20 x 20 structure that he would like to take down in the rear and rebuild with a second floor to match with the rest of the house. The footprint will stay the same, just go up.

The public hearing opened at 8:22 PM. No one spoke for or against the application.

The public hearing closed at 8:23 PM.

Discussion:

Planning Director D. Trefethen stated that due to increasing the bulk of structure the proposal is before the board. If it were staying one floor, it wouldn't need a variance.

Motion to approve the variance request made by M. Foote. The variance will not be contrary to the public interest because there is no change in the footprint. The benefits is that is would have more space. Any house that gets taken care of in that area improves the property values because they are uniquely well used. The value of surrounding properties are not diminished. The proposed use is a reasonable one because the original structure was built prior to building codes and has been there a long time. The neighborhood can be approved. G. Ober seconded. The motion passed unanimously.

8.X. ZO2020-0058VAR 30 Summit Ave Setback Variance Application (PDF)

Steve Olson addressed the board. Along with him his wife Kara and his builder Ben Lacasse. He purchased the property in January. They are currently renovating the structure and would like to add a third stall to the garage, 12 x 22 ft. This property is part of the Governor's Island Association and they have reviewed the proposal and are ok with it. The nearest neighbor is over 250 ft away. G. Ober asked if there are any vegetated buffers between the properties and was told on the abutter property. The encroachment would be 3 feet into the 10 foot side setback. Chair S. Bogert asked the applicant what their hardship would be. K. Olson stated the association does not allow anything in the yard so they need a place for storage. G. Ober asked why something couldn't be built behind the house and was told there is a fenced inground pool in the back yard. B. Lacasse stated that it's a linear lot and the house favored on one side of the property.

The public hearing opened at 8:35 PM. No one spoke for or against the application.

The public hearing closed at 8:36 PM.

Discussion:

G. Ober thinks there has to be another place to put storage. M. DellaVecchia feels they could build something in the rear of the property. Planning director D. Trefethen noted that given the proximity to the water, some items might be a trailer and adding another driveway would impact the lot and surrounding lots. G. Ober asked how the pool is maintained and B. Lacasse stated it is accessed on the other side of the property.

Motion to approve the variance request made by M. DellaVecchia. The proposal is not against public interest and fits in with the neighborhood. The spirit of the ordinance is observed because of the large space between the properties and the neighbor doesn't seem to object. It would be substantial justice if they could have the third bay and keep items out of the yard. If granted, the value of surrounding properties should not diminish because it's a little closer to the side yard. No relationship exists between general public because the position of the garage would only affect the neighbor who is in support and it's a reasonable use for the property. M. Foote seconded the motion. The motion passed 4-1. M. DellaVecchia, R. Maheu, M. Foot, S. Bogert for and G. Ober against.

9. OTHER BUSINESS

9.I. ZO2020-0030RH 730 Endicott St North Rehearing Request (PDF)

The board relied on the written comment from the applicant's attorney, so there was no one present for the application.

G. Ober said she is against another hearing because the ordinance is the ordinance and was made for a purpose. The spirit of the ordinance would be violated and there is no hardship. R. Maheu is concerned about the precedent set if it was to be approved. G. Ober noted that nothing will change her mind and suggested, as she suggested to the applicant, that it be taken up with Council.

M. Foote noted that he is struggling with the storage issue; the subject keeps coming up.

Motion to decline the request for rehearing made by R. Maheu, G. Ober seconded. M. DellaVecchia asked . . . Chair S. Bogert has seen the aftermath of when storage units have been denied and what goes in has been a better turnout. G. Ober noted that could be a good location but Council keeps the ordinance and that was their intent. M. DellaVecchia would be willing to listen to a new proposal. The motion passed 4-1. G. Ober, R. Maheu, S. Bogert, M. Foot for and M. DellaVecchia against.

Chair S. Bogert brought up that three of the members' terms are up and hopes they will renew their spot on the board.

10. ADJOURNMENT

Motion to adjourn made by M. Foote, R. Maheu seconded.

The meeting adjourned at 9:01 PM

Respectfully,

K. Graham