

CITY OF LACONIA PLANNING BOARD  
6:30 PM City Hall - Armand A. Bolduc Council Chamber  
*Accepted September 6, 2022*

8/2/2022 - Minutes

1. CALL TO ORDER

Chair Peter Brunette called the meeting to order at 6:30 PM

2. ROLL CALL

Members present: Kirk Beattie, Brett Beliveau, Bruce Cheney, Rich MacNeill, Stacy Soucy, Michael DellaVecchia, Louis Joseph, Scott McWilliam, Peter Brunette

Absent: Charlie St. Clair

L. Joseph and S. McWilliam were seated as voting members.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Planner Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance of July 12 minutes

The minutes were accepted with an amendment to show M. DellaVecchia abstention in section 7.I.

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. Woodvale Drive, MBL 166-357-5; request to extend the approval to construct garage within the wetland buffer

The applicant was not present. Chair P. Brunette declared the application scheduled to September 6, 2022.

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. PL2021-008SU amd1, 0021CUP(wet); 224 Endicott St E; Proposal to amend the site plan to add one duplex to the existing two duplex for a total of 6 units

Applicant: Jeff Lewis addressed the board. He feels the plan has been designed to comply with the

regulations. The applicant feels that they have done all they can that there won't be drainage problems experience by the neighbors. The applicant feels that most of the abutting issue is with DOT due to road runoff. If the third party review comes back with concerns or items, the applicant would be happy to do anything. The applicant would prefer to have a conditional approval rather than be continued again. The sewer agreement verbiage the applicant would like to discuss if action will be taken by the board. The applicant can control the sewer on their property but it wouldn't be practical or fair to impose a condition on the applicant mandating them to an agreement with potential uncooperation. The condo docs have been drafted.

R. MacNeill asked if Northpoint Engineering has been the engineer of record since the beginning of the project and was told yes.

Planning Director D. Trefethen noted the third party review process has started and the applicant has paid. The engineering company is very busy. He has spoken to the property owner and was assured that any findings would be remedied.

The public hearing opened at 6:38 PM

Charles Mihle addressed the board. He took exception to the comment of not be cooperative with any type of sewer agreement. They have never demonstrated that attitude and are the ones that pursued thinking it would be in the interest of both parties. At the July meeting it was mentioned that the drainage pond may need to be enlarged but the plans don't show a change and wondered where that was in the process. The hydrological survey will provide good information. He would like to see demonstratable drainage plan in place before any approval is given to the applicant. The abutter would like to know when the agreement would it be forthcoming from the developer. Since the applicant is hooking into the abutting system, he feels the burden of responsibility lies with the applicant. The abutter brought up the need for a performance bond for possible financial damage done down the road. Also noted, DOT will be working on both sides of 11B.

Atty David Plunkett addressed the board on the applicant's behalf. He addressed the sewer line. He wanted to make it clear that there was no intent to have any type of disparaging inference relative to what was discussed at the last meeting. The applicant understands taking care of the line is already set forth under the ordinance in terms of being responsible. Each association is the appropriate body to address the responsibilities. There is language proposed to put in the condo bylaws addressing the issue. He handed out copies of the language to staff.

Mark Granoff of 41 Nestledown Dr and President of Sundown, addressed the board. His concern is the sewer line. Inspection is one thing but maintenance is another as it will be a significant expense at some point. He expects that would be shared, prorated or whatever makes sense. The abutters are trying to look out for the city and lake as well as the condominium. He hopes the Planning Board does their due diligence to make sure the greater good for all parties is protected.

The public hearing closed at 6:55 PM

Staff review: Planning Director D. Trefethen read the staff review. He agrees there are still open issues and the board has a difficult decision to make. The size of the drainage pond will be confirmed with the results of the third party review. The city has site security and he explained the process of release. He reminded the board that there is currently four units on the site and is already a plan of record. The third party reviewer is a few weeks out. What is onsite now is adequate for the existing structures. He suggested adding to condition 2B: landscaping as recommended by the third party engineer. He explained some of the agreement language from 2007 when the property was approved for 12 units. He also suggested that language be added at the end of condition 3A: before issuance of the fifth certificate of occupancy. Chair P. Brunette asked if addition language also should be added to be agreed by DPW and it was agreed. S. McWilliam suggested leaving the application on the table until the third party review comes back but Planning Director D. Trefethen reminded the board that the city is only responsible for surface and storm water not groundwater. He noted that he was out last week and there was no water in the spots previously but that doesn't mean it's dry. The city would be pushing for an

agreement regardless of stormwater issues. The applicant has received their permit from DES to fill in the wetland and possibly by doing that, it could help eliminate or reduce the groundwater amount.

S. McWilliam asked the impact a delay would have and the applicant would like to move forward sooner than later. If the report comes back earlier than anticipated, the applicant would need to wait until the next meeting. Planning Director D. Trefethen noted that construction has stopped. J. Lewis noted that all conditions will be satisfied.

Planning Director D. Trefethen suggested adding condition 2 C: No additional building permits to be issued until any third party review items resolved. The third party review will be emailed to the board when complete. S. Soucy asked if the planning dept could stipulate that there can be no basement as she has concern about units 5 and 6 getting flooded every spring. Planning Director D. Trefethen noted that there are currently no wetland buffers because the ordinance has changed since the original approval. The bottom of the basement elevation will be above what is the current wetland to be filled. Construction on units 5 and 6 will be interrupted water flow as the topography will change. There will be foundation drains and on unit 3 and 4 will be redirected and not flow to the abutter as in now.

Motion to approve the site plan amendment with the dates and conditions as stated in the staff review as well as 2a that a third party review be completed and submitted to the board and report to be disseminated when available so work can continue; 2b additional landscaping on drainage slope area; 2c no building permits issued until any third party items have been resolved; 3a that DPW condition in place to have agreement between the homeowners associations for the inspection and maintenance of the private sewer system conform with all the DPW requirements and approval; end of 3c to add: to have the agreement in place before the first certificate of occupancy is issued. Made by S. McWilliam, L. Joseph seconded. The motion passed; K. Beattie, B. Beliveau, B. Cheney, S. Soucy, M. DellaVecchia, L. Joseph, S. McWilliam for; R. MacNeill against.

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. Natural Resource Chapter of the Master Plan

Conservation Tech Taylor Daigle summarized the chapter from the presentation last month.

The public hearing opened at 7:43 PM.

There was no comment. The public hearing closed at 7:44 PM

Motion to approve the Natural Resource Chapter for the Master Plan as written made by S. Soucy, B. Beliveau seconded. All voted in favor.

- 9.II. PL2022-0073SP amd1; 57 Blueberry Lane; Proposal to amend the site plan to add two 6 unit buildings to the property

L. Joseph recused himself as his employer is part of the application drawings.

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

Applicant: Tom Cochrane from Laconia Housing and Craig Bailey From Bailey Engineering were present for the application. T. Cochrane presented the overall application. There is little housing stock in the area. The number of HUD vouchers have dropped but the demand is still high. Each unit will be 600 sf. There will be a fence in the rear of the property and the end units will be ADA accessible. The funds are from a GAP Fund and the deadline is Sept so he is hoping to have approvals prior to Sept. The units will be maintained and operated by staff.

C. Bailey presented the engineering. The area is currently lawn and scrub bush. The units will be built slab on grade with crawl space. The drive to the additional units will be U-shape with a rain garden in the center, 10 ft wide and 54 in deep with special plant mixture to let nature do its thing. The laundry building will remain. There will be a wetbay on each end of the building for easy access outside of the units. Each unit will be sprinkled and separated from the domestic line.

B. Beliveau asked why not build two story if the demand is still high for rentals and T. Cochrane said financing and what they can do with money at this time.

The public hearing opened at 8:04 PM

There was no comment. The public hearing closed at 8:05 PM

Staff review: Planning Director D. Trefethen read the staff review. One way signage of the proposed driveway needs to be added to the plan. He brought up the new "findings" that the board needs to address when approving or denying applications and that staff has but some ideas on the staff review. He encouraged the board to change what they wanted as it was just a starting point.

Motion to approve the application with the dates and conditions as stated in the staff review and finding the project will provide affordable housing for the city in a market that has reduced affordable housing inventory. This project will help address the needs of low income residents as well as workforce housing needs, made by S. McWilliam, K. Beattie seconded. All voted in favor.

- 9.III. PL2017-0039SPamd1, PL2022-0081CUP(wet); 406 Court St; Proposal to rearrange parking, add 12 x 20 gazebo and add three gravel parking spaces in the wetland buffer

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

Applicant: Andy Daigneau addressed the board. He noted there had been a gazebo on the property prior to the expansion a few years ago. The residents want to be outside especially since the quarantine with Covid. The location is the best for the topography since the entire site slopes towards Court Street.

The public hearing opened at 8:15 PM

There was no comment. The public hearing closed at 8:16 PM

Staff review: Planning Director D. Trefethen read the staff review. He noted that pavement has been removed and added greenspace around the proposed gazebo. The new proposed parking area is already hard packed gravel so there is no real change in impact. B. Beliveau asked if it would be better to be paved so liquids won't soak into the gravel but since the gravel is so hard packed it doesn't matter either way.

Motion to approve the application with the dates and conditions as stated in the staff review and finding the proposal will add to the quality of life for the residents and workers made by S. Soucy, S. McWilliam seconded. All voted in favor.

- 9.IV. PL2022-0083SU; 700 & 728 Elm St; Proposal for boundary line adjustment between the two lots

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

Applicant: Peter Howard addressed the board and made a quick announcement that Dubois & King will be moving to 208 Union Ave August 12. Randy Otis, a long time member of Dubois & King is coming to the area from central Vermont. P. Howard went over the boundary line change and noted that only a

shed will be moved from one lot to the other. The driveway will remain. Lot five will be 3.4 acres and lot 4 will be 2.3 acres.

The public hearing opened at 8:27 PM

Brian Michealis of 748 Elm Street addressed the board. He was confused and had concern with the environmental impact on the stream and Opechee wildlife. He noted there is an exposed sewer line in the stream and heavy equipment could unknowingly damage it then the wildlife would be in trouble.

That sewer line is part of the Winnepesaukee River Basin that goes from Moultonborough to Franklin. There are endangered species as the base of Tilton Brook and Loons nest there.

The board is interested in hearing the concerns and noted that it is good for the property owner to know this for the future. It was explained that the only thing being voted on is a change in the boundary line of the two lots and nothing is proposed to be developed.

The public hearing closed at 8:42 PM

Staff review: Planning Director D. Trefethen read the staff review. He noted that the current easements will need updating.

Motion to approve the application with the dates and conditions as stated in the staff review and finding the boundary line adjustment will allow the new lots to conform to current requirements as outlined by table of dimensional standards made by S. McWilliam, B. Beliveau seconded. All voted in favor.

9.V. PL2022-0084CUP(wet); 553 Weirs Blvd, Langley Cove Development; Proposal for construction of temporary emergency access for Paugus Woods within the vernal pool 100 ft buffer

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

Applicant: Jon Rokeh and Luke Powell were present. J. Rokeh explained the proposal. There is an existing dirt road that services the pumpstation for Paugus Woods. Nothing will drain toward the vernal pool. Once Langley Cove is developed, then a permanent paved road will be constructed and gated. The road will be 18 ft wide and all weather gravel surface.

The public hearing opened at 8:54 PM

Jack Hodge of 561 Weirs Blvd addressed the board. He had concerns about his driveway and if he'd lose access and was told no. He asked who will maintain the road and J. Rokeh noted that Busy will be maintaining as an open road.

Keith Dube of 556 Weirs Blvd #2, Capri Condos, addressed the board. His concerns are the brook and cove, over the last 40 years how much sediment has been washed into the cove. What used to be feet is now barely inches of water. Chair P. Brunette agrees but noted that it's been an issue before the development has been put in. J. Rokeh noted that one significant event was about 8 yrs ago when the beaver dam by Prescott Farm broke. J. Rokeh explained there is a large watershed area on the northern side of Langley Cove property but nothing is being disturbed there or anywhere near it or the brook.

The public hearing closed at 9:01 PM

Staff review: Planning Director D. Trefethen read the staff review. He noted that the road is a temporary solution to the secondary access issue with Paugus Woods. There are lots of conditions from Conservation standpoint. There will be no lighting, no markings on the road for night travel and there is no salt or sand proposed.

Motion to approve the application with the dates and conditions as stated in the staff review and finding the approval will allow for continued maintenance of the existing water and sewer mains and allows for emergency access for Paugus Woods while the permanent road is constructed made by S. McWilliam, B. Beliveau seconded. All voted in favor.

9.VI. PL2022-0085CUP(wet); 14 Reagan Way; Proposal to cut trees in the 50 ft wetland buffer

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

Applicant: Stephan and Lisa Seorles were present. S. Seorles addressed the board. He explained the proposal. There is a pond that was man made originally when there was a nursery on the site. He is not removing any trees near the pond. There is a 20 ft easement that will remain. The stumps will be cut close to the ground or ground but the roots will remain in place. About 5 to 7 trees will be removed with diameter ranging from 6 to 10 inches.

The public hearing opened at 9:17 PM

There was no comment. The public hearing closed at 9:18 PM

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

Motion to approve the application with the dates and conditions as stated in the staff review and finding the proposal will enhance the homeowner's enjoyment of his private property made by McWilliam, R. MacNeill seconded. All voted in favor.

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

11.I. Appointment of members at large (4) to CIP Committee

Motion to appoint members at large Paul Duggan, Mike Foote, Dean Anson and Jane Laroche to CIP Committee made by S. Soucy, P. Brunette. All voted in favor with K. Beattie abstaining.

11.II. Performance Zoning Discussion

Chair P. Brunette was unsure if there was time to go over the issue. His concern is that staff needs more support for evaluating performance zoning applications and recommendations to planning board. He asked if anyone else feels the same. Planning Director D. Trefethen noted that there haven't been any unique or technical inv yet. He does foresee future items and other potential development in the future. For example: the drive in or the state school property.

B. Cheney would like to see an engineer in the two depts to look at construction and property maintenance issues. Chair P. Brunette concurs. Planning Director D. Trefethen will look into the feasibility.

11.III. Updates on the Lakes Region Facility

Planning Director D. Trefethen spoke in broad terms. Lakes Region Redevelopment Commission and the real estate agency have spoken with many in confidence. The people who are serious have toured

the facility and the Commission has received about 30 proposals. All have some kind of housing with retail, healthcare or hospitality. The deadline is mid August for all proposals. Chair P. Brunette mentioned that proposals need to be transparent. Planning Director D. Trefethen noted that any development will still need to adhere to city regulations.

## 12. OLD BUSINESS

M. DellaVecchia asked what is going on at 1258 Union Ave, the previous Fitzgerald Motorsports. Planning Director D. Trefethen noted there is a new owner but staff has not seen any plans yet.

Planning Director D. Trefethen noted the next MPSC will be in September and should include height discussions.

## 13. PLANNING DEPT REPORT

## 14. LIAISON REPORTS

## 15. OTHER BUSINESS

### 15.I. 249, 263, 267 Court Street, Conceptual review for redevelopment of the properties

Applicant: Julie Bartlett of ZDS Inc addressed the board. The proposal would be to merge the existing three lots and construct a 58,000 sf structure to house 44 residence and two commercial units. There will be a mixture of 1-3 bedrooms and indoor and outdoor amenities. Access would be one way in and out. There will be a retaining wall where the grades change. The applicant will be looking for relief for setbacks as the front set back is currently 50 ft from Court Street's center line where they would request 44 ft, landscape is 10% and asking for 5% and asking for 30 units where 20 is allowed. J. Bartlett noted that the building height is 59' 10" from the average grade to the peak and the chimney is 8 ft taller which is under the allowance.

Chair P. Brunette likes the chouse of materials and the proposed elevations, but noted it wouldn't blend in to the area.

Planning Director D. Trefethen noted that he had spoken with the DPW Director and since Court Street was redone there is no expansion seen in the future so the 44 feet would be ok with him. There are four one bedroom units being removed.

S. McWilliam noted that the area could use some revitalization.

Motion to approve the conceptual application as submitted made by M. DellaVecchia, B. Cheney seconded. All voted in favor.

### 15.II. Revision to 41-63 Elm Street NOA

Chair P. Brunette recused himself and M. DellaVecchia stepped in as acting chair.

Planning Director D. Trefethen explained the upcoming state law on board findings and referred to the memo that was drafted with Atty. Walter Mitchell.

Language added to the NOA for July 12, 2022: *"Paugus Elm 1 LLC applied for a revised site plan approval showing the location of the metal sheet pilings installed during construction, in response to the Superior Court's decision and the ZBA's decision on remand. This revision, included in this application was a request for a Conditional Use Permit (CUP) under the City's Performance Zoning provision, specifically to provide flexibility with the setbacks. In the course of the hearings on this application, the applicant also agreed to certain changes relating to fencing, lighting, and landscaping and agreed to pay for power washing the abutters residence. Approval of these changes and conditions are included*

*in this action.*

*After a series of meetings and public hearings on the revised application, held on May 3, 2022, June 7, 2022, and July 12, 2022, at the meeting of July 12, 2022, this Board voted unanimously to approve the revised application, subject to the Board's review and adoption of this written decision.*

*The Board finds that the plan now shows the sheet pilings, consistent with the Superior Court decision. As part of this approval, the Board grants the necessary CUP consistent with the Board's actions on earlier requests in this case, and the Board specifically finds that the installation of the metal sheet pilings at locations closer to the subject property boundary than permitted under the City's traditional zoning requirements, is consistent with and does not violate the required criteria found in the Performance Zoning provisions in Chapter 235-21.1.E(1).*

*Therefore, the revised site plan, including the request for a CUP, is approved with the following conditions.."*

Motion to add the language with noted typographical errors to the NOA made by S. McWilliam, L. Joseph seconded. All voted in favor.

16. ADJOURNMENT

With no other business, the meeting adjourned at 10:11 PM

Respectively,

K. Graham