



City of Laconia
Zoning Board of Adjustment
Monday, August 17, 2020 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

8/17/2020 - Minutes

1. CALL TO ORDER

Acting Chair G. Ober called the meeting to order at 6:34PM

G. Ober stated there is quorum, and that a unanimous vote is necessary for all applications to be approved. G. Ober offered that any applicants who would prefer to have a full board review their application, that they request an extension at this time.

2. ROLL CALL

Present: Gail Ober; Roland Maheu; Mike Foote; Michael DellaVecchia (7:29 PM)

Absent: Orry Gibbs (absent with notification); Steve Bogert

3. RECORDING SECRETARY

Karen Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

Robert Mora, Assistant Planner

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. July 21, 2020 Zoning Board Of Adjustment Regular Meeting Minutes (PDF)

G. Ober noted that there is a word missing, it does not affect the spirit of the minutes, it is a minor correction. On page 3; 8.III, second to last sentence should read "he has been speaking with their agent again", the word "agent" was inadvertently omitted.

M. Foote made a motion to accept the minutes of July 21, 2020 with the noted correction.

R. Maheu seconded the motion

All in favor (3-0)

6. EXTENSIONS

G. Ober made a motion to continue extension requests 6.1; 6.2, and 6.3 for Akwa Vista and Akwa Waterfront to the September 21, 2020 meeting.

M. Foote seconded the motion.

All in favor (3-0)

6.I. Akwa Vista LLC Special Exception Extension Request - 664 Scenic Rd (PDF)

6.II. Akwa Waterfront LLC Special Exception Extension Request - 63-99 Fletcher Lane (PDF)

6.III. Akwa Waterfront LLC Variance Extension Request - 63-99 Fletcher Lane (PDF)

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

R. Maheu made a motion to continue application ZO2020-0037SE 4 Duffers Drive Unit B, at the request of the applicant, to the September 21, 2020 meeting.

M. Foote seconded the motion.

All in favor. (3-0)

7.II. ZO2020-0050SE 176 Pleasant St Special Exception Application (PDF)

See Application ZO2020-0051VAR below.

7.III. ZO2020-0051VAR 176 Pleasant St Variance Application (PDF)

R. Maheu made a motion to continue application ZO2020-0050SE and ZO2020-0051VAR for 176 Pleasant St., at the request of the applicant, to the September 21, 2020 meeting.

M. Foote seconded the motion.

All in favor. (3-0)

7.IV. ZO2020-0055SE 59 Doe Ave Special Exception Application (PDF)

Applicant Keith O'Leary briefly summarized the application and the board reviewed an email from legal counsel regarding the off-site sign. It was noted that the owner on the application is The Village at Winnepesaukee as the sign will be located on their property. Keith O'Leary informed the board that the lease agreement, as mentioned in the email, is ready to be signed, it is a per diem contract so they were waiting for the outcome from the meeting prior to fully executing the contract. He noted that the sign is vital to the success of the business as they are located off the main road and this will guide customers to them.

At 6:54 PM G. Ober opened the public hearing.

At 6:54 PM, with no one to speak for or against the application, G. Ober closed the public hearing.

The Board discussed the application and how it relates to the sign ordinance and possible conditions for approval to include a fully executed lease agreement be provided to Planning and that if the business closes that the sign be removed.

R. Maheu made a motion to approve with conditions application ZO2020-0055SE for a Special Exception per Article VII Section 235-57 (C) to allow an off-premise sign. Sign to be located at 233 Endicott St. N (MSL156-252-8)

1. Circumstances, unique to the structure, use or access, and the area in which the structure, use or access is located, exist; and

The new business is located off the main road (Endicott St North); the sign will guide customers to the business.

2. The additional sign or sign area is necessary or desirable for public information and safety; and
The off-site sign will inform the public of the business and guide the public to the location.

3. The additional sign or sign area is compatible with the area in which the sign will be located.
The sign is in harmony with other signage in the Weirs. It will be located on an existing sign post.

Conditions of Approval:

1. A copy of the signed, executed lease agreement is provided to the Planning Office.

2. The approval is exclusive to the business (Witches Brew Craft Beer Exchange); if a new business wishes to utilize off-site sign they will need new review and approval by the Zoning Board of Adjustment.

M. Foote seconded the motion.

All in favor. (3-0)

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.

8.1. ZO2020-0065VAR 144 Lake St Unit 10 Variance Application (PDF)

The applicant, Domenic Dalleva, outlined his application. He is proposing to reconstruct a cottage that was destroyed by fire in 2006. He noted that it will be nearly identical to the neighboring cottage, it will be on the same footprint as the original cabin but he will be adding a second floor. He noted that this will improve the property as there is an existing foundation and deck at the site, it will be a new structure and consistent with the neighboring cottages.

At 7:28 pm G. Ober opened the public hearing.

(M. Dellavecchia arrived and was seated on the Board at 7:29PM)

Kim Zyla-Salanitro and David Salanitro, who own a condo units at 131 Lake St., which is the condominium complex across the street commented that there are sixty-three units in the building, a cottage with a second floor would obstruct the view of the lake.

Tamera Maniscalco, also of 131 Lake St, addressed the Board. She presented an email that was circulated to twenty four of the owners who are opposed to the application. They would like to preserve their view of the lake.

Joseph DeLuca, who owns a condo unit at 131 Lake St. stated to the Board that the reduction of the lake view would reduce their property value, they bought with the intention of retaining the view.

M. Foote asked the members who addressed the board if their was an agreement in place between the respective associations regarding the view. All parties answered "no".

Marie Pham, a visiting nurse who works at Lakes Region General Hospital and Huggins Hospital, and stays at 131 Lake St, addressed the Board. She commented that the condominiums used to have a bad reputation but have worked hard to improve it, maintaining the view would help maintain the progress by attracting professionals to stay there.

David Shapiro, 144 Lake St Unit 11, addressed the Board. He noted he is the neighbor and that there has been building and rebuilding for years and there has never been an outcry. He commented that Mr. Dalleva is taking an existing property and rebuilding. It will bring the value of the association up. G. Ober asked him to clarify, he is speaking in support of the application (yes).

Frank McLaughlin, condo owner at 131 Lake St, addressed the Board. He said he is fine with a single story but then everyone wants to expand and it affects his view.

At 7:54 PM the public hearing was closed.

Applicant Dominic Dalleva addressed the Board. He noted that there is currently a row of trees along the road, and there are existing trees on his property that will remain. His proposed cottage will not block the view any more than the trees already do.

The Board briefly discussed the application. It was noted that views are not protected, the Board feels the use is a reasonable one.

M. Foote made a motion to approve application ZO2020-0065VAR for a variance from Article IV Section 235-19 (F)(2)b Shoreland Protection; Development Standards; Article IX Section 235-35(B) Side and rear setbacks; Section VI Article 235-33 Density and Section VI Article 235-36 Green Space to allow the reconstruction of a cottage destroyed by fire in 2006

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

Granting the variance would not be contrary to the public interest as there was a cottage on the lot ,and it does not alter the essential character of the neighborhood as it is nearly identical to several of the neighboring cottages and is not a hazard to the health, safety and welfare of 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 owner is looking to improve his property and replace a structure that was destroyed by fire in the past.

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 allows the owner to make use of his property by rebuilding a cottage on the lot.

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 and updated lot and new cottage.

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

The property was developed before current zoning regulations, original cottage was destroyed by fire in 2006. In order to rebuild on the lot relief from the Zoning Board is required.

R. Maheu seconded the motion.

All in favor (4-0)

8.II. ZO2020-0067VAR 23 Summit Ave Variance Application (PDF)

Greg Kobelski outlined the application to the Board. He explained that they would like to split the lot and place two single family homes on the lot. He outlined that the property is owned by him, his brother Tom, and their respective wives Lorri and Christine. They stated that they would like to divide the lot so that in the future it would not cause disharmony in the family. Greg Kobelski explained that there is a sewer easement on the lot so they would not be going closer to the lake. He explained that each lot would be approximately 28,000 sf (40,000 sf is min lot size). The applicant did note that they explored the option of a duplex, without dividing the lot, but it would not work for their families.

At 8:25 the public hearing was opened.

At 8:25 with no one to speak for or against the application, the public hearing was closed.

The Board discussed the application. Members noted that the lots were too small by approximately 15000 sf, this is not a small discrepancy. They commented that they understand the reasoning however it seems too far outside the required lot size.

M. Foote made a motion to deny application ZO2020-0067VAR for a variance from Article IV Section 235-19 F(2)(a)1 Minimum Shore Frontage; Article IV Section 235-32 Minimum Lot Size; and Article VI Section 235-34 Minimum Lot Frontage to allow the subdivision of lot into two lots, each with a single family house.

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

Granting the variance would be contrary to the public interest as it would be taking a conforming lot and dividing it into two non-conforming lots

2. The spirit of the ordinance is observed; AND

If the variance were granted, the spirit of the ordinance would not be observed as the owners would be creating two non-conforming lots.

3. Substantial justice is done; AND

Granting the variance would not do substantial justice because it would alter the character of the neighborhood by creating two small non-conforming lots.

4. The value of surrounding properties are not diminished; AND

If the variance were granted, it may have a negative effect on surrounding property values;

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

The property in its current configuration can and is being used; there is no hardship.

M. Dellavecchia seconded the motion.

All in favor (4-0).

8.III. ZO2020-0068VAR 156 Birch Haven Rd Variance Application (PDF)

Steven and Lisa Vaccarro outline their application. They explained that the current cottage is just a shell, they are proposing to demolish it, and rebuild the cottage on the same foundation but would like to add two feet to each side (cantilevered) to allow for a more usable space. The rebuilding would also allow them to add a second means of ingress/egress on the front of the structure.

At 8:48 the public hearing was opened.

At 8:48 with no one to speak for or against the application, the public hearing was closed.

M. Foote made a motion to approve application ZO2020-0068VAR for a variance from Article VI Section 235-35B side setbacks to allow a two foot expansion of footprint on each side of existing house and the installation of steps with a landing.

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

Granting the variance would not be contrary to the public interest as it would be updating an older cottage to make it more usable and fit in with the surrounding cottages.

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 able to update the cottage and enhance their property to meet the needs of their family.

3. Substantial justice is done; AND

Granting the variance would do substantial justice because it would alter the character of the neighborhood, it would upgrade the structure and make it safer by adding a second means of egress.

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, by upgrading the cottage it will enhance the neighborhood;

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

The cottage was built prior to the adoption of zoning and the cottage is very close to the side property line, and the lot is undersized for the zone, any addition or improvements would require relief from the Board.

R. Maheu seconded the motion.

All in favor (4-0)

8.IV. ZO2020-0069SE 55 Bowman St Special Exception Application (PDF)

M. Foote made a motion to continue application ZO2020-0069SE for 55 Bowman St to the September 21, 2020 meeting.

R. Maheu seconded the motion.

All in favor. (4-0)

8.V. ZO2020-0071VAR 107 Massachusetts Ave Variance Application (PDF)

Applicant James Cawley outlined his application to the Board. He explained that the house was built prior to zoning and it sits just over the front setback line. He outlined that he would like to add a deck and a mudroom, they would not extend past the front of the house, the majority of the project meets setback requirements but a portion of the front corner extends into the setback area.

At 8:57 the public hearing was opened.

At 8:57 with no one to speak for or against the application, the public hearing was closed.

R. Maheu made a motion to approve application ZO2020-0071VAR for a variance from Article VI Section 235-35(A) Front Setback to reduce front setback from 25' to 20' to allow for the addition of a deck with covered porch and mudroom.

1. The variance will not be contrary to the public interest;
Granting the variance would not be contrary to the public interest as it would be updating an existing house to make it more functional with minimal encroachment into the setback area.

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 able to update the house and enhance their property to meet the needs of their family.

3. Substantial justice is done; AND
Granting the variance would do substantial justice because it would not alter the character of the neighborhood, it would upgrade the structure and make it more functional.

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, by upgrading the house it will enhance the neighborhood;

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;
The house was built prior to the adoption of zoning and the house extends past the front setback, any addition or improvements would require relief from the Board.

M. Foote seconded the motion.
All in favor (4-0)

8.VI. ZO2020-0072VAR 233 Mechanic St Variance Application (PDF)

M. Foote made a motion to continue application ZO2020-0072VAR for 233 Mechanic St to the September 21, 2020 meeting.

R. Maheu seconded the motion.
All in favor. (4-0)

8.VII. ZO2020-0073VAR 978 Weirs Blvd #3 Variance Application (PDF)

Frank Pasquello, agent for the applicant, outlined the application. He explained that the applicant would like to extend his deck to match the width of the neighboring units.

At 9:07 the public hearing was opened.

At 9:07 with no one to speak for or against the application, the public hearing was closed.

R. Maheu made a motion to approve application ZO2020-0073VAR for a variance from Article VI Section 235-35B rear setbacks to allow the expansion of the existing deck to match other units.

1. The variance will not be contrary to the public interest;
The proposed modification to the existing structure is the same as what was done to the adjacent condo units #1 and #2 at the same address.

2. The spirit of the ordinance is observed; AND
If the variance were granted, the spirit of the ordinance would be observed as the proposed modification will be the same as other work done in other units in the same group of condos and will make unit #3 be in conformity with those units.

3. Substantial justice is done; AND
Granting the variance would do substantial justice because no change in use is proposed for the property by the modification, property values of the abutters will not be negatively affected and the unit will be consistent with the other units in the same group of condos thus making them more uniform.

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, Unit 3 will conform to what has been done to the adjacent units, the entire building will be enhanced and

modifications will increase the value of the neighbors by making the units look uniform and aesthetically more beautiful.

5. For the purpose of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

A. 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 use of the property will not be changed at all by the proposed improvements and it will increase the value to the general public.

B. The proposed use is a reasonable one because:

The proposed use is no different than that of the current use, the proposed improvements will not change the use and the proposed modification will cause Unit #3 to look aesthetically more beautiful and make it consistent with the adjacent units.

M. Foote seconded the motion.

All in favor. (4-0)

8.VIII. ZO2020-0074VAR 1144 Weirs Blvd Unit 3 Variance Application (PDF)

M. Foote made a motion to continue application ZO2020-0074VAR for 1144 Weirs Blvd Unit 3 to the September 21, 2020 meeting.

R. Maheu seconded the motion.

All in favor. (4-0)

9. OTHER BUSINESS

M. Foote noted that it would be nice to have the iPads available at the meeting to allow the members to pull up maps and parcel cards if they needed to.

10. ADJOURNMENT

At 9:16 PM M. Foote made a motion to adjourn the meeting

R. Maheu seconded the motion.

All in favor. (4-0)