

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

9/1/2020 - Minutes

1. CALL TO ORDER

Chair Peter Brunette 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 869 1974 7372, Webinar Password 232343.

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

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.

The meeting called to order at 6:30 PM.

2. ROLL CALL

Members physically present: Bruce Cheney, Mike DellaVecchia, Charlie St. Clair

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

Absent: Jay Forester, Sarah Jenna, Edwin Bones

All members of the board via Zoom were alone in the room and a quorum established.

Alternate members B. Beliveau and S. Soucy were elected voting members.

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Zoom Host Assistant Planner Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.1. Acceptance of minutes from August 4

Motion to accept the minutes from August 4 made by B. Beliveau, R. MacNeill seconded, with C. St. Clair abstaining. All voted in favor by roll call vote.

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.

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.

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

Applicant: Richard Homs and Brian Iske were present. R. Homs explained the proposal. The applicant is proposing to build a 48' wide by 90' long storage building in the 50' wetland buffer along with repairing a swale.

The public hearing opened at 6:42 p.m.

Abutter input:

Debbie Cost of 45 Woodvale Drive addressed the board via zoom. Her husband Chris spoke. They have no objection to building anything on the property but based on the zoning ordinance storage facility in a neighborhood setting is not permitted. He asked if it would change the dynamics of zoning in their residential neighborhood. Chair P. Brunette deferred that question to the Planning Director. Planning Director D. Trefethen noted that this would be deemed as a personal garage and part of the recommended conditions is that the items being stored are only the property owners and cannot be used for commercial storage or any other individuals. J. Fox asked if the building will be located where there is currently a temporary structure and was told yes. The temporary structure will be taken down. R. MacNeill asked the height of the building and was told 16 1/2 ft roughly and the overall peak will be 18'.

The public hearing closed at 6:47 p.m.

Assistant Planner R. Mora noted that there was a hand raise so the public hearing re opened at 6:48 p.m.

Chris Cost asked if it would set it precedent for future contractors coming into the neighborhood and do the same thing. the use of storage in that residential area. Chair P. Brunette was unsure of the question and asked if there are other lots available where this same proposal could be done. C. Cost noted he is not familiar with the other lots. Chair P. Brunette believes that garages are permitted. Staff has made several recommendations to the board to deal with concerns that have been raised. He understands the

objection. As far as precedence values, conditional use permits are unique to each property and are granted for a unique set of circumstances and rarely carryover to other lots.

R. Homsy clarified that the soffit height of the building is proposed to be 17 1/2 ft high and the peak 26 1/2 ft according to his plan. The building will be 48' by 90' and the use will stay a personal use of he and Brian Iske. The square footage of the building will be 4320 sf where the maximum could be 5000 sf.

The public hearing closed at 6:53 p.m.

Staff review: Planning Director D. Trefethen reiterated that he understands the concerns and comments of the abutters. Commercial storage is not allowed in that zone which is shorefront residential (SFR). He went over what has been done already on the lot, then read the staff review. There is a drainage issue on the northeast corner of the lot that has occurred over the last decade in what used to be a swale on the side of the road that would have led to the pond has been filled in with forest debris. That swale needs to be restored and the applicant has agreed. The only change suggested is that section 2 B to change the word "should" to "must" blend into the forest landscape. R. Homsy explained they want the building to be either green or brown. He stated they are presently in agreement to remove and replant from the Barton's motel property. The ones that will survive and safely move for a buffer. Chair P. Brunette asked if they need to put a condition of approval that no commercial use would be made of the building and Planning Director D. Trefethen said it's not allowed without amendment of site plan and/or an application before the Zoning Board.

B. Beliveau asked about the stone wall location being so close to the drip edge of the building and if that would be enough to capture any erosion or sediment. Planning Director D. Trefethen said erosion is taken care of at during the building permit process and Conservation Tech will check weekly. The grading behind the retention wall is slightly lower and water would go to crush stone which would not cause any spill over. R. Homsy said the wall is built with 3' by 3', the length of the wall, of crushed stone and drainage pipe built into the wall for drainage. He noted the building will have no gutter and the water will run to the crushed stone. Currently, the applicant still has silt socks attached from the previous work and will add more prior to construction. R. Homsy added to Costs' concern that there is no undeveloped lots in the neighborhood.

R. MacNeill asked if the Conservation Commission had weighed in on this proposal. Planning Director D. Trefethen said yes and were against the second driveway that was originally proposed. No sprinkler system would be required. R. MacNeill asked staff how the conditions will be enforced after the fact and that it doesn't become a commercial storage unit. Planning Director D. Trefethen explained the process. R. MacNeill suggested to the applicant before moving and planting the trees, to talk with the electric company.

C. St. Clair asked why the driveway can't be paved. R. Homsy explained that they have no interest in paving at this time. It will act for better drainage not paved and would be an added expense. Planning Director D. Trefethen noted that Staff would like to see it stay unpaved as it will help with stormwater maintenance. R. Homsy added that the street has no stormwater system so they will retain their water on their lot.

S. Soucy asked Planning Director D. Trefethen about adding water to the building in the future would that addition need to go back to the Conservation Commission and Planning Director D. Trefethen said it would not be necessary. The Commission does not want that.

J. Fox asked how many doors the building will have, if there will be any outside lighting and if anything will be stored outside the building. R. Homsy stated that they are not storing anything outdoors. The applicant will discuss lighting with the electric company on the most efficient for security. That will be on day and night sensors. There will be one garage door in the front and one in the back along with a pedestrian door in the front with 8 windows, four on each side.

M. DellaVecchia asked if they could move the driveway northeast and curve it to the building. R. Homsy said the driveway is existing and there are berms on each side to protect the street from water.

S. Soucy asked when construction would start and R. Homsy was hoping in the Spring. She noted that the spring and summer are the most disruptive for wetlands and vernal pools. R. Homsy responded that the vernal pool and wetlands are far enough away that the soil scientists told him it doesn't matter when they break ground. It was also noted that it will be a slab on grade.

M. DellaVecchia brought up the abutter concern and the applicant could put an apartment to the building to make it a residence.

Motion to approve the conditional use permit with the dates and conditions as stated in the staff review along with the word change in condition 2B from "should" to "must" made by B. Beliveau, Charlie St Clair seconded. The motion passed 7 - 2 with B. Cheney, C. St. Clair, M. DellaVecchia, K. Beattie, B. Beliveau, J. Fox, S. Soucy for and P. Brunette and R. MacNeill oppose.

- 9.II. PL2013-0100SP amd2; 264 Lakeside Ave, Tower Hill Tavern; Request to amend the original approval to allow for indoor live music & DJ's until close at 1 am

Applicant: Anthony Santagate was present. The applicant is requesting to have music all year round on the second floor of Tower Hill Tavern. Chair P. Brunette clarified that was required in the prior approval and it had not been done. A. Santagate noted that he just saved enough to do the work and has an appointment and two weeks to get the insulation and the air conditioner installed.

The public hearing opened at 7:26 p.m.

Attorney Ethan wood with Normandin Cheney and O'Neill addressed the board via Zoom. Atty. E. Wood representing Brames Inc. He noted that in 2013 his client spent a lot of money on noise engineering studies to determine what would be reasonable noise that wouldn't interfere in their business. There have been issues over the last 7 years with noise and a negative impact on the abutting business. The abutter seeks denial of this amendment and would like enforcement of the existing conditions from the site plans that haven't been strictly enforced. One reason is that the second floor windows are open and noise filters out. He noted that in the packet for this meeting on page 8 is a more comprehensive than the request. He feels there is an attempt by the applicant to hide the ball with regard to what is actually being proposed and what the hope is for the Planning Board to approve. Atty E. Wood noted he would object to any request on page 8 for the packet. No audible noise should be heard 50' from the property line.

Chair P. Brunette read the letter that was submitted by Atty E. Wood earlier in the day.

C. St Clair asked if the area noted in the letter about the use of the outside parking area that is used currently for Covid situation and it was agreed. Atty E. Wood noted the proposal is to continue using that area. The abutter doesn't see how the applicant can follow the conditions.

Chair P. Brunette read the letter from the Driscolls on Maple Street received earlier in the day.

C. St. Clair clarified with the applicant that the intention is to comply with previous conditions until the upstairs is done and was told correct. A. Santagate stated there has been no indoor bands on the second floor of Tower Hill tavern. C. St. Clair asked if the suggestion for the double door would work and was told yes he would like to try that. Chair P. Brunette asked how much of a deal breaker is the 1 am. The applicant noted that most of his business is between 11 pm and 1 am. He can make sure that the place is mitigated and that the sound doesn't escape.

Joe Driscoll addressed the board via Zoom. Point of order: he asked if it was appropriate that a board member who has had a significant past and continuing business relationship with an applicant recused himself from considerations. Chair P. Brunette believes the standard is does anyone have a person pecuniary interest and can the board member benefit finally from the proposal? There was a discussion on whether a board member should recuse himself and if it would benefit from the application.

Dennis Golabiewski of 19 Foster Ave addressed the board via zoom. He said unfortunately trust is an issue with the applicant. The last few weeks have been exceptionally loud. People come for the lake

and not the beer. The entertainment district has not acted in good faith. He recommended that until the conditions from previous approval have been met, the board not approve this proposal. He stated that he had been nominated by his neighbors to speak. The neighborhood has a mix of fulltime and part time residents. C. St. Clair asked how long D. Golabiewski lived in the area and noted that outside music has been limited by council. D. Golabiewski protested the first question but then answered. C. St. Clair brought up the fact that this is a commercial resort zone years ago Council limited the times as to issues that were raised. He also noted that Council approves the outdoor loud speaker permits with the exception of motorcycle week as well as any special event that council approves and asked if he felt that should be changed. D. Golabiewski does not feel the hours should be changed but there is a community standard that we all have to uphold. He has no issue with the music but the level of the music. C. St. Clair noted that there are standards and the Police are the ones to call. Planning Director D. Trefethen explained the process of the noise ordinance. D. Golabiewski said they have called the police and been told there is permission to have the music. Chair P. Brunette clarified that the proposal before the board is not for the outdoor entertainment but the indoor entertainment.

Diane Kazanowski of 9 Simpson Ave addressed the board via Zoom. She noted the music is louder when the windows are open. She asked about the outdoor stages as she is between both of them and Peter Brunette stated the board is only looking at the proposal for the indoor music.

Mike Ames of Brames Inc addressed the board via Zoom. He said the city has never told the applicant to turn down the music. There have not been any consequences over the years for the applicant and the city needs to come up with a solution. It has been worse than ever over the past few years. Ames has 36 units of cottages and motels across the street. He feels the applicant should abide by the conditions of approval from prior.

Robert Ames of Brames Inc addressed the board via Zoom. He added if the applicant does what he says he's going to do, he thinks he might be able to meet their requirements.

The public hearing closed at 8:22 p.m.

Staff review: Planning Director D. Trefethen noted given a list of recommendations. He pointed out that this is an amendment to an original site plan and those original conditions of approval are still an effect. He went over the key points of the staff review. He assured the board that he will raise the issue of the perception with no follow through on complaints from the police department with the city manager and the police chief. Chair P. Brunette asked about using a decibel meter. Planning Director D. Trefethen noted that the meters need to be calibrated and be run and by a certified person which the city does not have.

Chair P. Brunette noted that it sounds like abutter don't trust the applicant or the city and asked what can be done. Planning Director D. Trefethen said staff lives in the community and they are out and about and the Dept can keep up with it.

K. Beattie noted conditions usually have to be done prior to approvals all the time. He added that the Fire Dept would like to see something from the applicant about the fire ratings and materials. If the applicant were to install the double door, that would need to go through another approval and have Fire Prevention look at that plan.

B. Beliveau stated if the double door doesn't work, there are air curtains. A. Santagate likes that idea better.

J. Fox is confused with the 7 years of non compliance. Stating that nobody will know if it works until next summer and then it will be too late. The board and abutters need to see if it will work.

K. Beattie asked what his plans are time wise for the buildings. A. Santagate said that in the winter time Tower Hill tavern is open downstairs but not upstairs. The Big House, which used to be Paradise Beach Club, is only open occasionally.

C. St. Clair assured that he has no benefit of this application referring to an abutter comment. He is pro business for the Weirs. Chair P. Brunette asked if the applicant can make an airtight plan with staff to review technical information. It was suggested to come back with more information. Planning Director D. Trefethen stated in 2012 to 2013 there was a sound engineer hired and a plan created. Staff has no expertise on sound and would have to hire a third party to make sure that this plan would work, paid by the applicant. Staff can work with the applicant to work all this out. Staff is not advocating one way or another. If the issue is not resolved next summer he is not sure where to go.

K. Beattie sits on the Licensing Board as well and is aware of the concerns and the concerns over the years. He'd like to see sound conditions met and parameters met before he could approve anything. The fire department can also work with the applicant.

C. St. Clair emphasized that it has to be good for everyone and it be up to the applicant to mitigate.

Motion to continue the application to October 6 made by C. St. Clair, K. Beattie seconded. The motion passed 7 to 2 with B. Cheney, S. Soucy opposing and C. St Clair, J Fox, M. DellaVecchia, B. Beliveau, R. MacNeill, K. Beattie, P. Brunette for.

9.III. PL2020-0074SU; 1330 Union Ave, Barton's Motel; proposal for a boundary line adjustment with the City of Laconia

Applicant: Jon Rokeh addressed the board via Zoom. Planning Director D. Trefethen explained the reason for the application. The continued sidewalk will be on the same side as the development and the developer will pay for the sidewalk to go in, but the city will be maintaining and have liability. This will need to go to Council to accept the land. J. Rokeh noted that the dedication has been discussed with DPW whether is be a dedication or an easement and this was a joint decision. It is cleaner for the city this way.

B. Beliveau clarified that the developer is still building the sidewalk and it was agreed.

The public hearing opened at 9:03 p.m.

The public hearing closed at 9:04 p.m.

Motion to approve the right of way dedication to the city made by in B. Beliveau, C. St. Clair seconded. All voted in favor by roll call vote.

9.IV. PL2020-0072SU; 85 Zion Hill Road, Lakes Region Bible Church; Proposal to subdivide one lot into 3 AND a waiver requested for sidewalks

Motion to accept the application as complete made by K. Beattie, C. St. Clair seconded. All voted in favor by roll call vote.

Applicant: Recording secretary James Rhodes addressed the board. Also present was Joe Allard, Church Treasurer and Steven Willette the Paster of the Church. He went over the proposal for the subdivision. The main lot is 16.71 acres with the church. Access is off Zion Hill Rd with road frontage off Union Ave. What is proposed to be lot 10.1 which has a single family home currently on it, will end up to be .64 acres. Proposed lot 10.2 will be 6.32 acres with an existing single family home. Both houses will have a shared driveway off Clark Ave. Easements have been drawn up for the driveway and for the City, as they have for being using the turn around and storing snow in the area over the past 18 years.

The applicant received a variance to allow for minimum road frontage. They are requesting a waiver for sidewalks as the sidewalk ends on Clark Ave. They would like to put the homes for sale to reduce the mortgage debt of the church and therefore put those lots back onto the tax roll. Other options were very expensive. They also recently settled one of the houses with the past pastor.

The public hearing opened at 9:13 p.m.

The public hearing closed at 9:14 p.m.

Staff review: Planning Director D. Trefethen read the staff review. Staff has been in discussions with public works and fire departments to preserve the Easement for the turn around. Continue to have a gate for the church drive. Formalize what has been happening over the past few years. Staff is in support of the sidewalk waiver. They are not adding any additional traffic as it already all exists.

Motion to approve the waiver along with the subdivision application with the dates and conditions as stated in the staff review made by K. Beattie, C. St. Clair seconded. Chair P. Brunette noted that he does not normally like granting sidewalk waivers but he understands this reason. All voted in favor by roll call vote.

- 9.V. #06-017SP amd1; 59 Bisson Ave, Irwin Motors; request to amend the original application to add 10,122 sf addition at the service department

Motion to accept the application as complete made by B. Cheney, K. Beattie seconded. All voted in favor by roll call vote.

Applicant: Nick Sceggell represented Irwin Automotive, addressed the board. The applicant wants to construct a 10,000 sf addition to the rear of the service department over the existing pavement. Currently there are parking spaces and three sheds which will be taken down. The area is already been disturbed with the parking. There is a sewer line that they need to work around. The floor will drain to an oil/water separator and then to the city sewer collection. There will be no increase in run off or reduced impervious area. The site will have wall mounted lights downcast to meet the dark skies regulation. They currently already meet the parking requirements so taking the parking spaces away will not affect the parking calculations. Stormwater handling will be going from a paved area to rooftop. The run off will be in the same direction and there is not increasing storm water run off.

The public hearing opened at 9:30 p.m.

Chris Irwin addressed the board via Zoom. He explained why there had been flooding over the past 8 to 10 years. He said there's pipes that go into the catch basins and they found one had been nicked and covered with a sign and over time filled in so water could not drain. That issue has since been fixed.

The public hearing closed at 9:32 p.m.

Staff Review: Planning Director D. Trefethen read the staff review. He noted that they will need a Winnepesaukee River Basin Program permit for the floor drains.

Motion to approve the site plan amendment made by M. DellaVecchia, C. St. Clair seconded. All voted in favor by roll call vote.

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. PL2020-0077SP, 0078CUP(wetland) 360 Court Street Proposal to construct 4 bay garage to house existing tractor trailer transport

Motion to accept the application as complete and schedule the public hearing for October 6, 2020 made by B. Cheney, C. St. Clair seconded. All voted in favor by roll call vote.

- 10.II. PL2020-0079SP, 0080CUP(wetland) 63 Blasdell Irwin Marine Boat Storage Proposal to construct a driveway, stormwater and wetlands mitigation for a future building in Gilford

Motion to accept the application as complete and schedule the public hearing for October 6, 2020 made by B. Cheney, K. Beattie seconded. All voted in favor by roll call vote.

11. NEW BUSINESS

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

Assistant Planner Rob Mora noted that the next LRPC meeting is September 28th.

Conservation: S. Soucy updated the board. She said that there was a lot of discussion on the Woodvale property. The Laconia Airport is going to clearing a lot of trees in the area and Court Street site plan as going very well.

15. OTHER BUSINESS

16. ADJOURNMENT

Motion to adjourn the meeting made by K. Beattie, M. DellaVecchia seconded.

The meeting adjourned at 9:20 PM

Respectfully,

K. Graham