

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

Draft Minutes

9/3/2019 - Minutes

1. CALL TO ORDER

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

2. ROLL CALL

Kalena Graham called the roll with the following members present: Brett Beliveau, Jay Forester, Charlie St. Clair, Sarah Jenna, David Bownes, Dave Broughton, Mike DellaVecchia, Edwin Bones, Peter Brunette

Absent: Claudia Marshessault

3. RECORDING SECRETARY

Kalena Graham

4. STAFF IN ATTENDANCE

Planning Director Dean Trefethen, Assistant Planner Rob Mora

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

The minutes were sent to the board August 8

5.I. Acceptance of minutes from August 6

Motion to accept the minutes made by D. Broughton, E. Bones seconded. All voted in favor.

6. PRESENTATIONS

6.I. Proposal to create a Historic Overlay District (H.O.D.) and possible schedule of public hearing
Planning Director D. Trefethen stated there were more revisions and the language was not ready. The subcommittee will meet again soon and language should be ready for the next regular meeting.

7. EXTENSIONS

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.I. Proposal to create a new section to the Zoning Ordinance, sections 235-13 & 41, Short – Term Lodging

Chair P. Brunette opened the public hearing at 6:33 PM

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Dorothy Duffy of 47 Whipple Ave addressed the board. has a problem with transitional units provided for compensation in single family zones. believes draft was well researched. She brought up some issues with this proposal. She has issue with setting precedent. C. St. Clair asked if restrict to comm zones and she agreed. Tom Seigle of 44 Village Ct addressed the board. His concern is the impact the proposed policy will have on the City of Laconia. Currently short term rentals (STR) are not permitted in single family and rural residential zones. This ordinance would allow STR in all zones except I, IP and AI. The preamble in SECTION M states that the purpose is to "preserve the traditional character of residential neighborhoods and to preserve the quality and quantity of housing stock ...for year round residents". Allowing STR in single family residential zones will do just the opposite. It will potentially change the character of tight knit neighborhoods into areas that encourage short term renters with no vested interest in the community. Research indicates that areas, such as Laconia, with recreational potential, have experienced a reduction in housing available for year round rentals due to STR. Homes are being built and purchased to be used exclusively as short term rentals thereby depleting the housing stock. Many cities and towns are experiencing problems with an over abundance of Short Term Rentals and are now struggling to find ways to put greater restrictions in place. It is requested that section 235-41 M be changed to include the RS zone in the zones excepted from this policy. Short term rentals should remain prohibited in RS zones in the best interest of the City of Laconia.

D. Bownes noted short term rental happening throughout the city and the purpose of the short term rental proposal is to avoid the situations that have been brought up.

Paula Hiuser of 29 Gale Ave addressed the board. She told the board a story about how she started with short term rentals and why she is for the proposal. Her first renters were from Holland and gave her a different perspective on the town she loves. She sends guests downtown and feels is helping with bringing new people into the area. As far as she knows, has had no issues. She thinks people might be afraid of short term rentals because they don't understand it. She lives next door to a problem property and understands, but feels it's not about rentals and tenants but community. She has concern about the number of yearly rentals and it being only 18. C. St. Clair asked about a person that buys property strictly for rentals. She feels if the neighbors have to call the police, then it should be able to be shut down. She urged the board to see all sides of the spectrum and to think about the best way to manage it.

Anne Jacobsen of 39 Gale Ave addressed the board. She has lived in Laconia since 1961. She is now a Super Host with Airbnb. Renting has allowed her to stay in her house. She feels she is enriching the community with renters. She lives on the first floor and rents out the second and third floors.

Jeremy McKeen of 197 Baldwin Street addressed the board. He recently moved back from Concord and is new to the Airbnb community. He feels Airbnb is a beneficial platform when used properly. He asked if vacation rental

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agencies are to follow the same rules and was told yes. Chair P. Brunette stated that short term rentals will be permitted in most of the City, but with regulations. J. McKeen said he is strict with his policy. He has a similar situation as those on Gale Ave, where across the street, there is a problematic neighbor.

Al Simoes of 22 Gale Ave addressed the board. She is a single family owner and resident. There is an Airbnb across the street and no issues. She agrees that the City does need rules and want to make sure the good ones don't get in trouble because of the bad ones. He suggested a time restraint on noise and to have specific rules. Gwen Kneuer. of 15 Orchard Street addressed the board. When she moved in the area, there was no Airbnb and not there five within a block of her. If too there many Airbnb, she feels it takes away from the residential aspect. She disagrees with the limit of only 18 rentals a year. She asked how recourse with offsite owners is done. P. Hiuser mentioned that Airbnb has a complaint hotline and she stated she would share that with neighbors.

The public hearing closed at 7:13 PM and reopened at 7:14 PM

Atty. William Amann represented property owners on 22 Irving Street. He asked what the thinking was on number of days 18. This property was purchase with the intention to rent.

The public hearing closed 7:17 PM

B. Beliveau noted if a rental is less than 184 days, room and meals tax are paid. The 18 rentals a year number was discussed in the subcommittee to preserve characters of the neighborhoods.

Planning Director D. Trefethen commented. The idea of limiting the number of properties in neighborhoods hasn't been considered but is something to think about. As for the grievance process: part of the plan is that when abutters are notified of an application, the compliance process will be in the notice as to the process. The city does have a noise ordinance and that is police responsibility. Staff plans to get a report from the police dept monthly and follow-up with property owners if complaints arise. As for street parking, almost 6 months of the year, there is a parking ban, so that would not work. The intent is to size the driveway and see what it can hold. The 184 nights comes from State law with rooms and meals tax comes. He highlighted that the 18 separate rentals is the one that has generated the most discussion. A solution might be to not limit it. The 184 nights could be changed as well.

D. Bownes was on the subcommittee and thought the limit of 18 was already taken out of the language. He suggested there be a provision where certain things could be waived if the property is in good standings. The purpose of the ordinance is to prevent the situations that scare people.

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E. Bones feels there shouldn't be any amount of days and feels there shouldn't be a better notice either. Chair P. Brunette asked if the City has spoken to Airbnb or other platforms and the answer was no. Planning Director D. Trefethen stated platforms have reached out to the City to give ideas but are less inclined to give information out. Chair P. Brunette wondered how would the City would know if there were bad experiences if the only complaint was on a platform. He asked why the land use board is making decision for behaviors. Planning Director D. Trefethen brought up the difference between long term and short term renters and what the remedy is. The city is regulating a use. Chair P. Brunette clarified that the intent is to regulate the use but not make it so restrictive. Planning Director D. Trefethen agreed. C. St. Clair disagreed about the notification to abutters and stated that it is a business and should be notified like so. He doesn't understand the point of the limits of rentals and wondered how it would be kept track of. C. St. Clair's main concern is the people that buy a property strictly for an investment. Planning Director D. Trefethen stated that if the regulations were in effect with the first complaint, it could have been stopped at a much quicker rate than it took.

Motion to amend the draft to strike the limit of rentals in paragraph 5 made by D. Bownes, C. St. Clair seconded. All voted in favor.

Motion to approve and refer the amended draft to City Council made by D. Bownes, S. Jenna seconded. C. St. Clair's concern is for the residents that live in neighborhoods where absentee landlords are that only purchased properties for rentals. All voted in favor.

9.II. PL2019-0109SP; 30 Church Street, Roman Catholic Bishop of Manchester, Proposal to subdivide the property into three lots

Motion to accept the applicant as complete made by E. Bones, D. Broughton seconded. All voted in favor.

Applicant: Nicole Duquette of GPI, Chris Boldt from Donahue, Tucker & Ciandella, and Rob Eib, the Diocese of Manchester were present. N. Duquette addressed the board. The proposal is to separate the three main buildings. The proposal meets/exceeds the greenspace requirement and setbacks for each. The documents have been submitted for access and shared access and utilities. The applicant is not proposing any improvements on the lots, only separating the building lots. DPW asked that the shared water service between the Rectory and Church be separated. There is no change of use affiliated with the proposal. She stated that future development would need Planning Board approval. D. Bownes asked about the shared use parking. Atty C. Boldt explained the easements. It will be a complete share as the applicant does not know what the use/requirements will be. The document was drafted as a "model". When the first lot goes to sell, the easement will be triggered and the draft model should address all possible outcomes. There are 85 existing parking spots. not intending to limit either side on what is currently there. D. Bownes asked if it were germane to ask about the demo permit and Atty C. Boldt said the question was not germane in this conversation.

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The public hearing opened at 8:12 PM

Abutter input: John Moriarty, Library Trustee and resident, addressed the Board. He said there is a wonderful relationship with the abutter. concern is the future of the prop. the northwest corner of the church prop has a connector. They established a gentleman's agreement many years ago and would like to echo sev ways into and out of the prop and not all have a right to be used. C. St. Clair asked about the 39 spaces and is not part of the 85.

The public hearing closed at 8:17 PM

Planning Director D. Trefethen read the staff review. He noted two things to be corrected: on the agenda the application is a "su" and not "sp" and the map/block/lot number needs to be corrected on the staff review. B. Beliveau asked about setbacks and Planning Director D. Trefethen said setbacks are conforming.

Motion to approve the subdivision of one lot into three with the dates and conditions as stated in the staff review with exception of correct map/block/lot made by D. Bownes, D. Broughton seconded. All voted in favor.

9.III PL2019-0113SP, 0103CUP(expansion of nonconforming use); 200 Garfield Street, unit C; Proposal to construct a 42 x 42 ft workshop

Motion to accept the application made by D. Broughton, D. Bownes seconded.

Applicant: Forrest Noe owner of unit C, addressed the board. He bought the property to keep his equipment and work out of. He and his sons have a painting business. He would like to build a second building to house his equipment like tractors, trailers and aerial lifts, etc.

The public hearing opened at 8:26 PM

Abutter input:

Cal Dunn of 217 Garfield St addressed the Board. He also owns property at 204 Garfield, which directly abuts the subject parcel. He has an issue with the application. Not particularly the building itself, but the intent, the commercial use. The primary issue is that Garfield Street extension is not to current standards. There are six residential families that live there and, in his opinion, 200 Garfield Street has exceeded the grandfathered single-family paving operation that was in existence by his father. He property has several different owners and has two large garages now. Most of the other commercial businesses like Whitten Construction has pretty much ceased. His primary concern is at the brook, where it hourglasses down to 18 ft wide while the rest of the road is 24 ft. It doesn't help that there are guard rails on each side so traffic gets choked down. This is right at the entrance of

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200 Garfield. He would insist the City find some means or the developer, to bring the road up to standard before any additional building permits are granted. The right of way is sufficient onto the subject parcel but there is no essential radius in any commercial vehicle and impede the traffic flow on the southerly travel lane. All of them cross the center of the road. This increases potential hazard for the residents on Garfield. Currently, there are two large repair buildings and a residential home. The house was built in 1915 and he believes that nothing has been done to the road, except resurfacing, since. Planning Director D. Trefethen asked if the building doesn't get built, how would that help the road and C. Dunn said it probably wouldn't, but traffic wouldn't be as bad. He mentioned no more than a 10 x 10 width needs to be fixed. The applicant mentioned that is not adding more vehicles, but building the workshop to house existing vehicles. He also noted that he pulls onto Garfield without going in the other lane. Some days trucks are taken home. There are 3 or 4 trucks there all the time.

The public hearing closed at 8:38 pm

Planning Director D. Trefethen read staff review. He can ask DPW if improvements are in the future for Garfield Street. He suspects the answer to be no, but the question can be asked. The Board could table the proposal to give staff time to do that. Another option could be, since it's the use at the subject parcel that is generating, the condo association would have to pay for any improvements collectively. He understands the comments and safety concerns. This is a low traffic street and suggested people drive cautiously. C. St. Clair asked if the road meets requirements and Planning Director D. Trefethen said if someone were to build it today, it would need to be wider. There are many city streets that doesn't meet current standards.

C. Dunn added two vehicles cannot pass each other. D. Bownes stated nothing new is being proposed, just building an additional workshop to accommodate the vehicles Mr. Noe already has in use and thinks the road is adequate. C. Dunne finished his comments by stating that if the board thinks the building will not generate additional traffic then they are naive.

The public hearing closed at 8:54 pm

Planning Director D. Trefethen stated the property is in a residential zone but has been in the present state of commercial for many years. You can expand a non-conforming use with a Conditional Use Permit. C. St. Clair would like to hear from DPW. D. Bownes mentioned the applicant wants to use the property the same way he has been, if the criteria is met, he suggested to approve the CUP subject to what DPW says or table it. C. St. Clair asked the applicant when he plans to construct the building and was told he'd like to before winter. Planning Director D. Trefethen noted that application has been before the technical review and DPW has reviewed it from a standpoint on how it would affect drainage and utilities.

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Motion to approve the conditional use permit for expansion of a non-conforming use with the dates and conditions as stated in the staff review with the request that DPW review the application to determine whether the access road from Garfield Street is adequate, made by D. Bownes, S. Jenna seconded. C. St. Clair doesn't think it necessary to have DPW look at the road, it's either safe or not. B. Beliveau is not sure why this would be contingent on DPW since it's due to the brook and would not be a problem for applicant, but the city. The motion passed with 7 in favor and 1 opposed, B. Beliveau.

9.IV. PL2019-0106SU; 135 Weirs Blvd, Boulevard Commons; Proposal to change the internal boundary between unit C-1 & C-2

Motion to accept the application made by D. Bownes, E. Bones seconded. All voted in favor.

Applicant: Ethan Wood of Patrick Wood Law Offices representing the owner, Anrik Inc. Atty E. Wood addressed the board. Originally this building was a business that was changed to condominiums and recently changed to residential with the three units modified. The space in the rear of unit C-2 is the only thing changing. It is currently owned by the C-1 owner.

The public hearing opened at 9:11 PM

Abutter input: No one spoke for or against the application.

The public hearing close at 9:11 PM

Planning Director D. Trefethen read the staff review.

Motion to approve the internal boundary change between units C1 and C2 with the dates and conditions as stated in the staff review made by D. Broughton, E. Bones seconded. All voted in favor.

9.V. PL2019-01074SU; 85 Zion Hill Road, Lakes Region Bible Church; Proposal to subdivide the property into three lots

Motion to accept the application as complete made by E. Bones, D. Broughton seconded. All voted in favor.

Applicant: Craig Bailey representing Lakes Region Bible Church, and Rhodes, were present. C. Bailey addressed the board. He explained the current situation of the church. On the one lot, there are two residences and the church. This proposal to subdivide the lot where the buildings are, will correct that. The applicant is proposing also do some small roadway upgrades and working with legal on shared driveway easements. Planning Director D. Trefethen said when the city accepts the upgrades, some addresses will change. It is an odd situation with a commercial building and two residential units on one single lot. The turnaround for the plows will be improved.

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The public hearing opened at 9:23 PM

Abutter input:

Jill Fitzpatrick of 57 Clark Ave addressed the board. She is concerned about the houses. She bought her property as a quiet dead-end street and wants it to stay that way. There is little traffic and low ratio of people on that road. She doesn't want all these houses and is concerned about having more cars on the street. Chair P. Brunette re-explained the proposal. He asked what steps will be taken to not have through traffic in the future and C. Bailey said the city right of way will be stopped at the line. He noted they could put up a gate for the entrance of the church. Currently, turn around is being used by the city and this is making it official. The intent of the church will be to continue to use Zion as the only access. J. Fitzpatrick was told that a development was going to be built behind her. She only has a problem if there will be more houses.

Rhodes did sell half acre of land earlier in the year. There is no intention of building homes or selling any other lots, just to get in a position to sell the two existing homes. Chair P. Brunette asked C. Bailey if the lots to be subdivided were buildable and the answer was unknown as the work had only been done for the three lots to be subdivided. He did note that there are wetlands on the lot, but the buildability has not been analyzed.

Ethan Wood representing Brad and Shirley Wensel, who own of one of the log cabins on the property. They haven't received any notice, or offer to purchase the property they live in, and asked to have the application tabled for the abutters to be correctly noticed. the landowner was legally noticed.

Motion to table the application to Oct 1, 2019 made by D. Bownes, S. Jenna seconded. All voted in favor.

9.VI. PL2017-0001SPAMD1, PL2019-0110SU; 609 Main Street, The Colonial Theater; Proposal to amend the original site plan and change the form of ownership to condominium

Motion to accept the application made by D. Bownes, B. Beliveau seconded. All voted in favor.

Applicant: Rob Turpin of Misiaszek & Turpin LLC, Justin Slattery from the BCEDC, and Rod Dyer, and Chris Kelley were present. Justin Slattery introduced the application crew. R. Turpin addressed the board regarding the proposal. The primary modification was the change in the structure focused on the infill in the open space area. The control room is being relocated to be in the theater and going from two elevators to one. The condos will consist of three entities: apartments, theater and store fronts. Atty. R. Dyer noted the working title is The Colonial Center. Currently there are 14 apartments and he understands that to be reduced to 10 market rate apartments. If, in the future, the new owner decides to make the apartments condo, there will be the option. There will always only be three directors for the condos. D. Bownes asked about parking and was told there are discussions going on concerning offsite parking. Planning Director D. Trefethen noted the downtown area is exempt from creating

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new parking. From a marketing standpoint the use needs parking. Atty R. Dyer said the city is intended to control for at least 5 years the exterior of the building.

The public hearing opened at 9:53 PM

Abutter input: no one spoke for or against the application

The public hearing closed 9:53 PM

Planning Director D. Trefethen read the staff review. He noted that all conditions from the March 2017 approval are still in effect. One major change was originally proposing two elevators, to one. Staff needs validation that the theater is still ADA compliant with only one.

Motion to approve the amendment to the site plan and with the dates and conditions as stated in the staff review made by D. Bownes, C. St. Clair seconded. All voted in favor.

9.VII. PL2019-0111SU; 58 Carriage Lane; Proposal to subdivide one lot back into two
Motion to accept the application made by D. Broughton, S. Jenna seconded. All voted in favor.

Applicant: Dan Higginson and the landowner, Ed Spinney were present at the meeting. D. Higginson addressed the board. In 2012 the two lots were merged and the applicant is looking to resubdivided. They are in process of having the underground utilities marked out and put on the plan.

The public hearing opened at 10:00 PM

Abutter input: There was no one to speak for or against the application.

The public hearing closed at 10:00 PM

Planning Director D. Trefethen read the staff review. He noted it was a straight forward subdivision.

Motion to approve the subdivision of one lot into two with the dates and conditions as stated in the staff review made by D. Boughton, E. Bones 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

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will be accepted. Information about applications can be obtained on the city's web site or by calling the Planning office.

11. NEW BUSINESS

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

15. OTHER BUSINESS

15.I. Proposal for updating subdivision & site plan regulations

Planning Director D. Trefethen explained that the board has two options: 1) let staff go through and update what needs to be; or 2) have a subcommittee go through the process. He noted that the document has not been revised in over 20 years.

Motion to choose option one: to have the Planning Dept do the changes then bring to the board, made by D. Bownes, C. St. Clair seconded. All voted in favor.

Chair P. Brunette brought up that S. Jenna is running for council and asked what her reasoning was. She wants to be part of the change in the City. She would be running for Ward 6.

16. ADJOURNMENT

Motion to adjourn made by D. Bownes, J. Forester seconded.

The meeting adjourned at 10:07 PM

Respectfully,
K. Graham