

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Armand A. Bolduc Council Chamber
Accepted October 5, 2021

9/7/2021 - Minutes

1. CALL TO ORDER

Chair Peter Brunette read the meeting info:

As Chair of the Planning Board, I will note this meeting will be held in person in the noticed meeting room. In conformance to NH RSA 91-A, a quorum of the board's members must be physically present in the meeting room for the meeting to start and/or continue. While there is a physical location to observe and listen to the meeting, the meeting is also being conducted electronically. The public can choose to attend and participate in person or by Zoom. However, if something occurs that disables access to Zoom, the meeting will continue regardless and members of the public or board members using Zoom will have no recourse. Choosing to use Zoom is done at the individual's risk. Using Zoom requires the use of an enabled device.

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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.

2. ROLL CALL

Members present: Scot McWilliam, Bruce Cheney, Charlie St. Clair, Kirk Beattie, Rich MacNeill, Stacy Soucy, Michael DellaVecchia (8:27 pm), Susan Hodgkins, Brett Beliveau, Peter Brunette

A quorum was established and both Alternates S. Hodgkins and S. McWilliam were seated as voting members until the arrival of M. DellaVecchia. Then S. McWilliam would step down.

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.I. Acceptance of minutes from August 3

With no objection Chair P. Brunette declared the minutes accepted.

6. PRESENTATIONS

6.I. Presentation of proposal to allow indoor storage in the CR Zone

Planning Director D. Trefethen went over the proposal and current permitted uses in the CR zone. The idea for this proposal is to not have a big box building. There have been many inquiries in the area due to the condo conversions over the years and less storage. C. St. Clair asked if the taxes are different with a building compared to just having outside storage areas and was told yes. The best and highest use would depend on where the property is located and if the board determines storage would be best for the lot. B. Cheney asked about outdoor long term storage and Planning Director D. Trefethen will take a look at that. B. Cheney worried about the "adequate" screening. Dt explained they are looking for some kind of fencing but that would be up to the bard to decide on what is adequate and would be property dependent. Conditional Use permits are discretionary. C. St. Clair concerned about the value growth in properties in that area.

C. St. Clair is not in favor of storage units in the Weirs. He feels it will open the door to court issues and fairness.

Motion to table the proposal made by C. St. Clair, B. Cheney seconded. Chair P. Brunette feels it would be up the property owner on what they feel is the best and highest use of their property. The motion failed 5-4. K. Beattie, B. Cheney, S. Hogkins, C. St. Clair for; B. Beliveau, P. Brunette, S. Soucy, R. MacNeill, S. McWilliam against.

Motion to schedule a public hearing for October 5, 2021 made by B. Beliveau, S. Soucy seconded. R. MacNeill feels the board will have more guidance after the public input. All voted in favor.

6.II. Performance Zoning in the Weirs

Planning Director D. Trefethen went over the proposal and highlighted what the performance zoning could allow for. He gave some recent examples of performance zoning projects. He suggests using the existing Weirs TIF boundaries and went over those. Chair P. Brunette asked if the Master Plan should be done fist before adding this new overlay zone. The Master Plan Steering Committee could zoom into the issue. His preference would be to hold off. Planning Director D. Trefethen noted that the tourist industry has changed in that area and this would be viewed as an incentive. B. Beliveau asked if the proposal is moved forward would it limit the MPSC and was told no.

Motion to schedule a public hearing for October 5, 2021 made by B. Cheney, K. Beattie seconded. All voted in favor.

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. PL2014-0158CUPamd2; 61 Pendleton (205 Wentworth Cv); Request extension to construct a single family home within the wetland buffer

The applicant was not present. Planning Director D. Trefethen explained the reason for the request and that it is low risk if approved. S. Hodgkins had concern as she lives on Opechee and has seen people abusing the buffers and feels the applicant should reapply for the application if they can't be present to explain the request.

Motion to deny the extension request made by S. Hodgkins, B. Cheney seconded. S. McWilliam feels the application should be tabled and not denied as the board doesn't know the applicant's circumstance. The motion failed 6-2 with B. Cheney, S. Hodgkins for and S. McWilliam, C. St. Clair, R. MacNeill, S. Soucy, B. Beliveau, P. Brunette against.

Motion to table the application for the applicant to be present made by S. McWilliam, C. St. Clair seconded. The motion passed 7-1, all in favor but S. Hodgkins.

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. PL2021-0110SUamd1; 609 Main Street, Colonial Theatre; Proposal to sub-condominiumize each unit for a total of 9 residential units. A wavier is requested for 80% of the impact fee.

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

Applicant: Rob Turpin on behalf of BEDC and EJM Holdings was present. When the project was originally approved, there were three condominiums: the theatre, the residential units and the commercial units. The proposal is to make the nine residential condo units a sub condominium of the entity. He went over the proposal for the two upper floors. The middle unit will be a stacked unit. The addresses will all be 609 Main with a sub. The condo documents are being drawn up and will be submitted when finished.

The public hearing opened at 7:47 PM. There was no one from the public to speak for or against the application.

The public hearing closed at 7:48 PM

Staff Review: Planning Director D. Trefethen read the staff review. Staff has no issues with the 80% impact fee waiver request.

Motion to approve the 80% waiver request made by S. Soucy, K. Beattie seconded. All voted in favor.

Motion to approve the subdivision amendment with the dates and conditions as stated in the staff review made by S. Soucy, K. Beattie seconded. All voted in favor.

- 9.II. PL2021-0099Sp, 0100SU, 0101CUP(steeep slope), 0102CUP(wetland buffer), 0103CUP(cluster), 0104CUP(vernal pool); Endicott St East MBL 164-72-1, The Gardens; Proposal to construct 89 residential unit cluster subdivision and associated road, drainage and landscape ~Waiver requested for a reduced cluster buffer from 75 ft to 40 ft w/ in SFR District

Applicant: David Jennings- President/owner of Jennings Excavation Inc.; Timothy Britain Esq. with Cleveland, Waters and Bass, P.A., Jason Hill with TFMoran were present. T. Britain addressed the board and went over the history of the property. The proposal is for 87 units, 49 single family units and 19 duplex units. With the original approval the applicant started the project then never went through with it, which changed the landscape. The now wetlands were not there originally.

J. Hill went over the specifics of the project as well as the history. The project will be phased. The drainage system, infrastructure and sewer had been set and the key was to utilize what existed. The density from the original proposal has been reduced 31%. The minimizing of impervious surface and the single story structures allow for minimal grading and future disturbance. There is no intention to impact the natural wetlands in the center of the property. There will be two entrances off Endicott, one for the main use and one, gated, for emergency use. This section will be part of the first phase. The roads will be two way private and privately maintained. There is a private sewer system with a gravity pump station on the north side of the property. A directional buffer on the vernal pool as an alternate of the circular buffer has been proposed and accepted. The proposed roads follow the terrain for less impact so there is a short section that will be steep. There is a storm water pollution plan that is a NOI process with the EPA. During construction, the contractor will monitor and record all rainfall. The proposed

pocket lane to turn left going up the hill has been approved by DOT. They are putting money in a fund for mitigation process with DES. Snow will be pushed off the internal roads where there are no structures on the level areas defined on the plans. No snow will be dumped in the center of the property where the wetlands are. Units will have garages and depending on the grade some will have walkout basements.

The public hearing opened at 8:26 PM. There was no one from the public to speak for or against the application.

The public hearing closed at 8:26 PM

Staff Review: Planning Director D. Trefethen read the staff review. Sidewalks will be on the interior and part of Rte 3.

Motion to approve the waivers and the proposal with the dates and conditions as stated in the staff review made by B. Beliveau, C. St. Clair seconded. All voted in favor.

9.III. PL2021-0112SU; 36 Endicott East, Leisure Time Rentals LLC; Proposal to subdivide one lot into two

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

Applicant: Rusty Bertholet addressed the board. The proposal is to separate the RV Park from the commercial section on the lot.

The public hearing opened at 8:34 PM. There was no one from the public to speak for or against the application.

The public hearing closed at 8:35 PM

Staff Review: Planning Director D. Trefethen read the staff review. The noted the RV park is season with the water not deep enough for winter use.

Motion to approve the subdivision with the dates and conditions as stated in the staff review made by K. Beattie, C. St. Clair seconded. All voted in favor.

9.IV. PL2021-0113SP; 18 Endicott St North, North Water Marine; a proposal to disassemble building #5B and replace building #12 to make more conforming and upgrade drainage ~waiver requested for landscaping and lighting plan

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

Applicant: Pete Blakeman (Civil Engineer), Matt Bangert (Project Manager) & Michael McKeown (Project Architect) and Bob Conrad (Owner) were present. M. Bangert addressed the board. The proposal was originally to disassemble building 5 and move across to where building 12 is currently located. The structure is failing and the slope of the embankment is being undermined. The structure was built 40+ years ago and holds 54 boats in racks. The boats are now bigger and more room is needed. Due to the cost of reassembling the building the decision was made to build a new building. The current building was located with the setback by 750 ft so the new building will be moved out of the set back. They are also proposing to move the service and from Building 2 to the new building to deduce the traffic across Channel Lane. The new building will have a reduction of rack storage from 54- to 21. There will be a larger separation of 65 ft between the building for forklift swing. There has been a drainage issue on the property that has been neglected and needs to be addressed. Currently there are two lines one for sanitary sewer and one for drainage that cross in building 11. The plan is to move the sanitary sewer to building 12. There is an existing external boat wash drain that isn't being taken care

of. There will be an oil/water separator installed.

P. Blakeman went over the drainage. He noted that water does build up on the concrete pad with the catch basin and a discharge permit is required. There is an existing well onsite that will be utilized as well as existing utilizes. The building will be 35 ft high and 60 x 80 ft. The existing is 55 x 84 ft and 35 ft high. M. Bangert noted that building 5A is a single story wood truss building and that use will continue as what is existing. There is possible renovations to be looked at in the spring. The intentions are to stay similar in height and esthetics. There were ideas about separation on the open catch basin that will be looked into by the applicant.

The public hearing opened at 9:02 PM

Public input:

Jose Dematos owns Channel Cottages and the convenience store across the channel. He is all for rehab and rebuilding on the property. He noted that the abutters thought tonight's application was an entire plan of redevelopment. He added that what was demolished was a simple storage building and what is proposed is much more. Since the new owners there have been an increase on Channel Lane and in the channel. He requested the board reject the applications until the state approves the project.

Jack Hutton of 58 & 62 Channel Lane addressed the board. He has never had issues prior to this season. Since the new owner, Channel Lane has been back up with the forklift in the road. He noted that even the city is abandoning the road. He has no issues with the expansion but feels there is a large safety issue on Channel Lane.

Chair P. Brunette brought up the emails that had been received with similar concerns.

Ashley Anderson, President of Winnepesaukee Landing addressed the board. They have concerns with potential impacts to their docks with increased boat traffic and safety in the channel. There are many inexperienced boaters and slips are less available which causes a backup in the channel. They would like to see a recent professional case study in the channel based on the expansion of the marina. Chair P. Brunette noted that the Board's jurisdiction stops at the water line.

M. Bangert reiterated his comments from earlier about moving the uses to reduce traffic flow on Channel Lane. He added that their portion of Channel Lane is owned by North Water Marine with easements to cross and recross for those further down the lane. S. McWilliam asked about the previous comment of the City abandoning the road and Planning Director D. Trefethen noted that it is not a city accepted street and some parts owned by private entities and some portions owned by the railroad.

J. Dematos asked about the folks across the Channel and how the abutters worked. Planning Director D. Trefethen explained the RSA on abutters.

The public hearing closed at 9:18 PM

Staff Review: Planning Director D. Trefethen read the staff review. He noted the city is aware of uses and easements of Channel Lane. This project is subject to DES and the next phase will also be.

Anything over the water is not the City's jurisdiction, but DES and Marine Patrol. If there are concerns with the Channel, they need to be addressed with those parties. Overall benefit of this plan is the falling embankment and the only practical way to repair that is to get rid of building 5. If not fixed it will all fall into the channel which will cause much more harm. The new placement of the building will be conform and staff views that a positive.

There was discussion on sending non-abutters notice and that it wouldn't be...

S. Hodgkins would like to see the full scope of the plan instead of the piece meal. Planning Director D.

Trefethen noted that it is two different sides of the railroad tracks and doesn't change or undo this application.

M. Bangert added a point of clarification. This application is a different lot than the new one. There are two different lots and thought it be better to keep them separate.

Will Ryder, from across the street noted that the building has already come down with any erosion control of silt fence put up. Staff will look into that.

M. DellaVecchia is concerned with the project getting higher and would rather see the buildings off Endicott be smaller and the rest larger. B. Beliveau likes the idea of it not being a wall of buildings along the channel.

M. McKeown added that part of the next submittal will be all the studies and information that is all still being worked on. M. Bangert noted that for the demolition, the contractor said nothing was needed as the foundation is still there, but if the board would like, he can take a look in the morning for more information. There is a spotter in the road for the forklift and will look into that as well. He also noted that there is minimal lighting and no landscaping being done as it's just building replacement so a waiver is requested to provide plans for that.

There was more discussion on the upcoming project and overall discussion of the property.

Motion to approve the waiver requests for lighting and landscaping made by B. Beliveau, K. Beattie seconded. All voted in favor with R. MacNeill abstaining.

Motion to approve the site plan with the dates and conditions as stated in the staff review with the acknowledgement that the building is not being reassembled as stated, but being constructed made by B. Beliveau, K. Beattie seconded. The motion passed 6-3 with K. Beattie, C. St. Clair, S. Soucy, M. DellaVecchia, B. Beliveau and P. Brunette for; S. Hodgkins, B. Cheney, R. MacNeill against.

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

12. OLD BUSINESS

- 12.I. Waiver request for up to 80% of the impact fee at 50 Church Street for infill and reuse

Applicant: Kevin Morrissette addressed the board as the new property owner. It was noted that the impact fees are assessed at the time of acquiring the certificate of occupancy so if the amount changes at Council level, that amount approved will be in effect.

Motion to approve the 80% impact fee waiver made by C. St. Clair, S. Soucy seconded. All voted in favor with M. DellaVecchia abstaining.

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

15. OTHER BUSINESS

15.I. Conceptual review for redeveloping the property: 35-71 Winnisquam Ave

Applicant: Erin Lambert of Nobis Engineering representing Knotty Marina and the owners Chris and Jen Bouchard were present. E. Lambert went over the conceptual idea for the properties. There are three properties along Winnisquam Ave. The proposal is to keep the marina and add a restaurant and residences. There is limited land use. The former boat shop would be the restaurant location. The entire seawall is proposed to be rebuilt. The residences will stay as is. The boat house will be rebuilt and relocated. They are meeting with DES for shoreland and wetland permits. The addition for the restaurant will be on land. The hope is to keep what is over the water but add another story. The Marine Patrol boat slip will remain. They will need 105 parking spaces for the uses and are looking at the plans on how to provide along with offsite parking. The boat ramp will be rebuilt and a vault for the forklift launch well will be built.

B. Cheney thanked the applicant for what they had done so far on the property. Planning Director D. Trefethen ask if the boathouse will be residential or cabanas and told not. They will be for storage. E. Lambert noted that the travel way and sidewalk are still being looked at as to how to keep with the addition. Something to differentiate the road. B. Beliveau asked about future drive up window for the restaurant on the channel. K. Beattie asked when the starting goal was and was told next fall. The seawall will be first and the applicant is in search of prices now.

Motion to approve the conceptual plan as submitted made by K. Beattie, C. St. Clair seconded. All voted in favor.

16. ADJOURNMENT

With no other business and no objection, the meeting adjourned at 10:17 PM

Respectfully,

K. Graham