

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

10/6/2020 - Minutes

1. CALL TO ORDER

Chair Peter Brunette read the meeting introduction:

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 878 8164 9474, Webinar Password 159490.

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 was called to order at 6:34 PM

2. ROLL CALL

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

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

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

Alternate member B. Beliveau was seated as a voting member

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 September 1

Motion to accept the minutes made by E. Bones, B. Beliveau seconded. 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.

7.1. PL2010-0010SP; Scenic Road (63-99 Fletcher Ln), The Lodges; request to extend the approval to construct 3 structures with 72 residential condominium units

Applicant: Chris Duprey addressed the Board via Zoom. He stated that no physical progress has been made but the ZBA extended their approval. Staff has no objection to the request. E. Bones asked how many extensions have extensions have been requested and C. Duprey said nine. E. Bones is curious on why as the market is currently a sellers market. C. Duprey explained that in the surrounding area they have been working on different projects. They experimented with Blue Gill, which is one structure similar to this project of three structures, and the numbers have been slower than anticipated.

Motion to approve the extension request to November 3, 2021 made by B. Beliveau, S. Jenna seconded. All voted in favor by roll call vote.

8. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE Note: The purpose of this agenda section is for the Board to continue the Public Hearing for the applicant and the public to provide input. The Board may also deliberate the application, decide and conduct a final vote at this time.

8.1. 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, property and business owner, addressed the Board. Much of the summer was spent working on the second floor of Tower Hill Tavern. The applicant requested Eric Rueter to look at the progress. E. Rueter had been hired by the City for third party review of the application most recently in 2013. E. Rueter addressed the Board via Zoom. He is an acoustical consultant and primarily works in environmental noise control. He gave a brief history of his involvement. He completed four reports and most recent report to the City is from 2013, when the applicant was before the Board for the second floor proposal.

J. Fox asked about the outdoor stages and if they will be used as well as the upstairs and was told yes. A. Santagate has had E. Rueter look at those as well and made some suggestions to buffering the outside noise.

K. Beattie asked if drawings had been submitted to the department on the double door vestibule yet and was told Deputy C. Roffo has the plans. He asked if the applicant had found anyone to certify the foam insulation that was installed and A. Santagate was hoping E. Rueter would be able to but he is not, just strictly acoustical.

B. Cheney was curious about the length of time for the requirements to be met. A. Santagate thinks it should only be a few more months until Tower Hill Tavern is completed. The insulation has already helped.

Chair P. Brunette mentioned that Friday of Labor Day weekend where there was a band playing downstairs. He drove around and could hear the music faintly at the top of the hill. It was louder by the parking lot across from Half Moon and noticed folks gathering in the parking lot behind Tower Hill Tavern. He understands that there is less control of people once they leave the establishment but suggested the applicant's bouncers keep an eye on people to help with the congregating in the church parking lot.

The public hearing opened at 7:15 PM

Abutter input:

Atty Ethan Wood, representing Brames Inc addressed the Board via Zoom. He talked about the letter that was submitted earlier in the day. He requested the Board table the application for one year for the property to get in compliance or urge the Board to deny the request. Chair P. Brunette asked why the applicant and abutters couldn't come up with an agreement.

Dennis Golabiewski of 19 Foster Ave addressed the Board via Zoom. He has lived in the area for eight years and this past year has been the most difficult. He noted, when called the Police tell him that the applicant has a permit and nothing is done. He noted that it seems to show a disregard for community standard. Chair P. Brunette asked if the community has attempted to have any meetings with all parties involved. He also noted that the Board is taking all opinion on the matter. D. Golabiewski just asked the music be turned down, not off.

Chair P. Brunette reminded all that what is on the table for the night is the upstairs of Tower Hill Tavern, not any of the outdoor stages.

Mike Ames addressed the Board via Zoom. He stated that is year has been the loudest year and nothing has been done with complaints. Chair P. Brunette stated that they are trying to come up with something that will work.

Laura Bonk, a manager at Half Moon addressed the Board via Zoom. She works Fridays and stated that the older population leaves because it's too loud to stay.

Thomas Grant of 17 Foster Ave addressed the Board via Zoom. He has been a resident for over 10 years. The problem in the Weirs is not just Tower Hill Tavern, but the applicant's other businesses. This year has been the worst where he can't open the windows because it is so loud, not just on the weekends, but during the week as well.

Bill Hagrel of 23 Centenary Ave addressed the Board. He moved to the neighborhood because of the entertainment. The work recently done has significantly reduced the noise. He feels it's important to keep the business open for those who live in the area as well as those who work there. He strongly would suggest approving the amendment.

Brandon Schuster of 7 Baker Ave addressed the Board. He manages a few communities in the area. He feels this is an attack on the applicant. Rooms are looked for, for the entertainment. Locals that work for these places rely on events and it is many local people that come for the events.

Megan Doptis lives in Moultonborough but is the General Manager for Tower Hill Tavern and the Big House. The goal has been to make the Weirs a year round destination and to include all the businesses. She stated that most of the comments have been for the outside stage venues. The insulation was a huge project and sound boards being put in the upcoming week. In the summer there are 65 employees at Tower Hill and the off season the number decreases to under 25. The reason for the multiple stages was originally because of Covid and not being able to have a full house. M.

DellaVecchia asked if sales are better with louder versus softer music and M. Doptis said they can turn down the music but she had been under the assumption that complaints were due to the outside music.

The public hearing closed at 8:15 PM

Staff review: Planning Director D. Trefethen stated that it appears the outdoor activity mixed with the normal operation has been contributing to the issue. Multiple businesses went to outdoor dining this year, throughout the City. The outdoor loudspeaker license has its own parameters with the Licensing Board. He clarified that the request is to amend the site plan so the applicant can The issue is the loudness of the music and how far it escapes out. C. St. Clair agreed with Ames that the City has let rules slide for a number of years in that area. Something needs to be put in stone and if that doesn't work, it needs to be fixed. He feels winter is a perfect time to test the noise as it will be much quieter and it would be prior to the busy season.

The Board went over other options available to the applicant for the noise.

B. Beliveau stated that nothing is perfect and the only control is what can be done inside. He asked about a condition with time limits until something can be figured out. Planning Director D. Trefethen stated that the Board can have conditions that the proposal be reviewed again at a later date with interim check-ins. He clarified that the issue before the board is the hours of operation to be until 1 AM.

B. Cheney stated that enforcement needs to be factored in and he doesn't think the Board can approve without some definitive explanation on how enforcement would be provided. He added that the Board needs to give staff the opportunity to come up with an outline of requirements, which the applicant can agree to, and an explanation of enforcement and continue the application.

E. Bones has been listening and what he hears is that restrictions need to go on the applicant due to a few complaints and it doesn't seem very fair. He agrees with the Director that the blame is being put on only one business owner in an area where there are multiple. He was not happy with the fact that most of the discussion has been for items not on the table. This one applicant can't be punished for the entire area.

Planning Director D. Trefethen humbly suggested the board consider continuing the application for a month to come up with suggestions and work with the applicant and sound engineer.

Motion to continue the application to November 4, 2020 made by B. Cheney, C. St. Clair seconded. Chair P. Brunette clarified that the motion include staff prepare a conditional approval that includes an expiration date by which the applicant needs to make demonstration on the items in question and time for enforcement suggestions. E. Bones stated that the Board is not in charge of enforcement. Chair P. Brunette reminded that the Board can revoke applications and that would be the Board's enforcement. The motion passed with nine in the affirmative (B. Cheney, C. St. Clair, S. Jenna, K. Beattie, R. MacNeill, J. Fox, P. Brunette, B. Beliveau, M. DellaVecchia) and one oppose (E. Bones).

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

Applicant: Steve Smith representing Stafford & Sons addressed the Board. He noted that the property is in two zones: the Urban Commercial (UC) and in the rear just passed the existing building, Residential Single Family (RS). There are two wetlands on the property; one had been man made and one natural. The underdrain under the structure has been in failure for some time. The application has been to the Conservation Commission and the Conservation Tech has been to the site and the request is supported. Currently the tractors are house in the garage and the trailers stay outside in the parking

lot. The proposal is to build a four bay garage in the rear to house both tractor and trailer. The structure will be open on the sides, not completely enclosed but will still meet the building codes. The proposal is 140 ft away from the natural buffer. The Conditional Use Permit (CUP) is for the manmade wetland area.

Planning Director D. Trefethen noted that the neighboring property is also redeveloping his lot and has put a request to the applicant to.. S. Smith said the applicant has met with the abutter and does not want pavement on their property.

The public hearing opened at 9:22 PM

Abutter input:

Steve Weeks of Court Street addressed the Board.

S. Smith responded to the comments

Staff review: Planning Director D. Trefethen noted staff will work on the location of the street trees. He went over the staff review.

Motion to approve the CUP with the dates and conditions as stated in the staff review made by , seconded. All voted in favor by roll call vote.

- 9.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

Applicant: Nick Sceggell and Bruce Wright were present. N. Sceggell addressed the board. He noted that the proposal had been previously approved and never built. The wetland buffer impact are related to the stormwater treatment. There is existing water, sewer, gas and underground electric to the site. Chair P. Brunette asked about the sawdust piles and N. Sceggell explained the current condition and possible ideas for the use of piles.

The public hearing opened at 9:53 PM. There was no one to speak for or against the application.

The public hearing closed at 9:54 PM

Staff review: Planning Director D. Trefethen noted the area being enhanced is adjacent to Black Brook. The outlet is very close to the public water supply intake. B. Beliveau asked if there would be recourse for the Town of Gilford if .. Planning Director D. Trefethen mentioned that the State is involved and the City would count on them to make it right. The application has been before the Conservation Commission and they are happy with the proposed improvements.

Motion to approve the amendment to the site plan and the CUP with the dates and conditions as stated in the staff review made by B. Beliveau, K. Beattie seconded. All voted in favor by roll call vote.

- 9.III. PL2020-0089CUP(wetland); 126 Clinton Street; Proposal to install 20 inch water line from water treatment plant to intersection of Clinton and Prospect Streets in the 50' wetland buffer

Motion to accept the application as complete made by E. Bones, B. Beliveau seconded. All voted in favor by roll call vote.

Applicant: Laconia Water Works Superintendent Ben Crawford was present. Luke Powell was present viz Zoom. L. Powell explained the project to the Board. Most of the project is on private property.

The public hearing opened at 10:07 PM. There was no one to speak for or against the application.

The public hearing closed at 10:07 PM

Staff review: Planning Director D. Trefethen went over the staff review. He noted that the significant part of the proposal is that the area in the buffer has been maintained as a lawn by the property owner and has not been in a natural state for many years. The applicant went out of their way to stay out of buffers with the line.

Motion to approve the CUP with the dates and conditions as stated in the staff review made by B. Beliveau, S. Jenna 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. PL2020-0085SP, 0086SU; 375 Endicott St North, 41 Skippers Ct & 144-252-3, Cedar Lodge; Proposal for site improvements to 144-252-2 and a boundary line adjustment between 141-484-5/144-252-2/144-252-3 ~waivers requested for: outdoor lighting, landscaping & stormwater and drainage

Motion to accept the application as complete and schedule the public hearing for November 4 made by K. Beattie, C. St. Clair seconded. All voted in favor by roll call vote.

Planning Director D. Trefethen explained the following two applications.

- 10.II. PL2020-0088SP, 0076CUP (alt parking); 348 Court Street; Proposal add a connecting driveway to abutting lot along with paving, parking and stormwater treatment

Motion to accept the application as complete and schedule the public hearing for November 4 made by E. Bones, K. Beattie seconded. All voted in favor by roll call vote.

- 10.III. PL2020-0087SP, 0076CUP (alt parking); 340 Court Street; Proposal to either add 3,000 sq ft building along with paving, parking and stormwater treatment or just parking with associated paving and stormwater treatment.

Motion to accept the application as complete and schedule the public hearing for November 4 made by B. Beliveau, C. St. Clair seconded. All voted in favor by roll call vote.

11. NEW BUSINESS

Chair P. Brunette brought to the Board's attention that one can be on both Planning and Zoning Boards if they choose. There were explanations by Planning Director D. Trefethen.

Motion to recommend to Council that M. DellaVecchia be reappointed to the Zoning Board made by B. Cheney, C. St. Clair seconded. by acclamation vote.

12. OLD BUSINESS

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

Assistant Planner R. Mora mentioned LRPC met last Monday and will be going over Accessory Dwelling Units and Short Term Lodging next month. He offered Laconia as a guinea pig for the short term lodging.

15. OTHER BUSINESS

Chair P. Brunette mentioned to the Board that he had been appointed to the Homeless Taskforce by the Mayor.

C. St. Clair updated the Board on the first Historic District Commission meeting.

16. ADJOURNMENT

The meeting adjourned at 10:35 PM

Respectfully,

K. Graham

DRAFT