

CITY OF LACONIA
ZONING BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARING
Monday, October 16, 2017 - 7:00 PM
Conference Room 200A
Accepted 11/20/2017

10/16/2017 - Minutes

1. CALL TO ORDER

Chair: S. Bogert: Makes announcement that there are only four members of the board present this evening, and that any application must receive a vote of three or more in the affirmative to pass.

Chair: S. Bogert: Offers to all applicants that they may choose to leave now and be continued to next month since there are only four board members present this evening.

Philip Brouillard, Agent to 145 Daisy Gardner Rd, Application ZO2017-0028, States that they would move to the next meeting in November.

Lorenzo Trobetta, Agent to 21 Morris Ave, Application ZO2017-0026, States that they would move to the next meeting in November.

Chair: S. Bogert: Asks if any other applicants would like to move to the next month. No other applicants requested to be moved to the following months meeting.

Chair: S. Bogert: Calls meeting to order at 7:08 PM

2. ROLL CALL

R. Mora: Conducts roll call with the following present: Roland Maheu, Suzanne Perley, Steve Bogert, and Mike Foote. The following were not present: Orry Gibbs

3. RECORDING SECRETARY

Robert Mora, Zoning Technician

4. STAFF IN ATTENDANCE

Dean Trefethen, Planning Director

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. 7:00 PM Draft Minutes From Zoning Board Meeting Of September 18, 2017

S. Perley: Motions to accepted minutes from September 18, 2017 as they were presented. R. Maheu: Seconds motion. All voted in favor 4-0

6. EXTENSIONS

No extensions

7. CONTINUED PUBLIC HEARINGS, CONSIDERATION AND POSSIBLE VOTE Note: The Purpose Of This Agenda Section Is For The Board To Continue The Public Hearing For The Applicant And The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

No continued Public Hearings

8. PUBLIC HEARINGS, POSSIBLE CONSIDERATION AND VOTE Note: The Purpose Of This Agenda Section Is For The Board To Have A Presentation From The Applicant And Open A Public Hearing For The Public To Provide Input. The Board May Also Deliberate The Application, Decide And Conduct A Final Vote At This Time.

8.I. 7:00 PM ZO2017-0023 476 Union Ave

Applicant Nga Tran, explains that she would like to change the property at 476 Union Ave from a Business and a residence to a two unit residence.

Board: Discusses why a variance is needed, that people are already living on the property, and that it has been mixed use as a business and a residence.

D. Trefethen: Explains that they need a Variance for Density to have two residential units on the lot due to the size of the lot.

Board: Discusses that they need to resubmit since it was not posted as a Variance for Density.

D. Trefethen and R. Mora: Explain it was posted for Density.

Board: Discusses density and that there were currently one residence on the property and one business on the property what the difference is between that and two residential units.

R. Maheu: Asks what the applicant would have to do if they were to deny the application?

D. Trefethen: States that the City would work with the applicant to assist them with coming into conformance with the ordinance. Also explains what needs to be done planning wise to bring the property into compliance.

Board: Continues discusses the density of the property.

Chair: S. Bogert: Open the application to the public at 7:23 PM

Abuttoner Patty Rice, 14 Irving St: States that she supports the Variance and that the new property owners are very nice people.

Chair: S. Bogert: Asks if anyone else from the public wishes to speak fore or against the application. No one wished to speak further about the application.

Chair: S. Bogert: Closes application to the Public at 7:24 PM

Board Discussion: No further discussion about application.

S. Perley: Makes a motion to approve the variance for density with the following conditions:

- The variance will not be contrary to the public interest; AND
The variance would not negatively affect the public.
- The spirit of the ordinance is observed; AND
This is an allowed use of the property and nothing would be changing.
- Substantial justice is done; AND
It's consistent with the current use of the property and the surrounding properties.
- The value of surrounding properties are not diminished; AND
The value of the surrounding properties would not be diminished.
- Literal enforcement of the provisions of the ordinance would result in the unnecessary hardship.

This building has been used as residence and there would be no reason in denying the applicant. The building was built on a small lot and we are restoring the use of the original property.

M. Foote: Seconds motion. All vote in favor 4-0

8.II. 7:00 PM ZO2017-0025 423 South Main Street

Agent: Steven Smith of Steve Smith Associations: Asks board to be continued to next month's meeting so that he can have the opportunity to present to a full board.

Chair: S. Bogert: Agrees to allow applicant to move to the following month.

8.III. 7:00 PM ZO2017-0026 21 Morris Ave
Applicant previously deferred to next months meeting.

8.IV. 7:00 PM ZO2017-0027 36 School Street

Applicant: Casey Lasell: Explains that he would like to legally add an Accessory Dwelling Unit to his property on 36 School St.

Board: Asks who would be staying in the ADU?

Applicant: Explains that it would be a family member to very close friend.

S. Perley: States that this applicant meets the definition of an ADU which is perfectly legal.

C. Lasell and Board: Discusses ADU and details of the property.

Chair: S. Bogert: Opens Application to the public at 7:34 PM

Don Lasell of 50 Carol Court: Explains that he supports the ADU that his son is attempting to put in and encourages the board to approve the application.

Chair: S. Bogert: Asks if anyone else wishes to speak. No one else wished to speak. Closed to the Public at 7:36 PM

Board Discussion: Board discusses ADU and that applicants meets all of the requirements.

M. Foote: Motions to approve the application with the following conditions.

- The use requested is specifically authorized in this chapter.
- The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor will there be any significant increase in stormwater runoff onto adjacent property or streets.
- The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.
- Any special provisions for the use as set forth in this chapter are fulfilled.
There are no special provisions for the use as set forth in this chapter.
- The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.
- The proposed location is appropriate for the requested use.
- The requested use is consistent with the spirit and intent of this chapter and the Master Plan

Conditions of approval

- Must obtain a building, electrical, and plumbing permit.

R. Maheu seconds motion.

All voted in favor 4-0

8.V. 7:00 PM ZO2017-0028 145 Daisy Gardner Road
Applicant previously deferred to the next months meeting.

8.VI. 7:00 PM ZO2017-0029 203 Pickerel Pond Rd

Applicant Brian Paterson and Catherine Cranford: Explain that they would like to start a trade school at 203 Pickerel Pond Rd.

Board and Applicant: Discuss current structures that are located on the property, which structures are currently in place and that the garage has not been constructed. That they currently run a business out of one of the structures and that they live in the other. Applicant also states that they have used an old plot plan for the application, which is why the board is having confusion on which structures are located on the lot.

Board and Applicant: Describe what kind of classes would be taught and class sizes that would be on the property. That no overnight classes would take place. Applicant states that they should have less than 25 students at any one time. Parking is also discussed and applicants states that they have plenty of parking.

Chair: S. Bogert: Opens applicant up to the public at 7:50 PM

Janet Buckley and Linda Golden: State that they are neighbors and have concerns. That they don't want a can of worms opened.

Chair: S. Bogert: Explains Zoning Board Process to residents.

Chair: S. Bogert: Asks if anyone else wishes to speak fore or against this application. No one from the public wished to speak.

Board Discussion: Board discusses which trade would be done at the property and conditions if they were to approve the special exception.

Chair: S. Bogert: Closes the application to the public at 7:59 PM

S. Perley makes a motion to approve the application with the following conditions:

- The use requested is specifically authorized in this chapter by special exception.
- The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- The requested use will not overload any public water, drainage or sewer system or any other municipal system, nor there any significant increase in stormwater runoff onto adjacent property or streets.
- The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.
- Any special provisions for the use as set forth in this chapter are fulfilled.
- There are no special provisions for the use as set forth in this chapter. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to the use of or out of character with the adjacent neighborhood.

- The proposed location is appropriate for the requested use.
- The requested use is consistent with the spirit and intent of this chapter.

Conditions of approval

- Class size to be limited to 25 or fewer.
- Trade School to be limited to teaching natural health, therapeutic massage techniques, herbal medicine, and similar areas of interest.

R. Maheu: Seconds motion. All in favor 4-0

8.VII. 7:00 PM ZO2017-0030 Big Island Paugus Bay

Agent: Rosi Dennett: Asks for time to set up.

Chair: S. Bogert: States that the meeting will take short adjournment at 8:02 PM

Chair: S. Bogert: Calls the meeting back to order 8:10 PM

Chair: S. Bogert: States that the applicant needs a moment to correct the application and get a piece of paperwork to allow for the agent to present the application. Meeting put on recess at 8:12 PM

Chair: S. Bogert: Calls the meeting back to order at 8:28 PM

Agent: Rosi Dennett: Explains that she will be presenting for NH Big Island Co. She Introduces Tim James, the owners brother, Dave Lee, Architect, Erin Lambert, Engineer, John Arnold, Attorney.

Agent: Explains that they want to place a Conference Center on Big Island. Continues with presentation, adding that they would like a Camp for Girls, and a meeting place for non-profit. This camp would support up to 40 campers, and that the entire center would be able to support 60 people total. Agent continues to explain history of the development and explains the steps that they have taken to date attempting to complete this process. R. Dennett explains that she met with City staff to assist with the decision on how the applicant would classify this project.

D. Lee: Begins presentation of plan for Big Island. Showing the site plans, with architectural pictures of what the proposed structures would look like. Also demonstrates computer generated pictures of what the island would look like if the project was allowed to continue, showing what it would look like in the Winter and in the Summer. Also shows where wetlands and set backs are in relation to structures that are proposed, and reasoning behind how the structures are engineered. Also points out that most municipalities don't have the type of use that this type of camp or program is as part of the Ordinance.

E. Lambert: Explains stormwater run off from the structures that are going to be placed on the island. Also explains noise impact of the camp. Explaining that they hired a specialist that is a sound engineer to perform a study and have attached the report the application.

R. Dennett: Explains that she understands that there is also a concern in regards to a no wake zone that might be implemented. Also explains that the applicant is not seeking to establish a no wake zone. Also describes that they would like to protect the Loon nesting site that is on the island and work with the Loon Preservation Committee to protect the Loon nesting area on the island with barriers. Agent also explains how the application has been filed following all of the guidelines of the Zoning Ordinance. She also explains that the property now has Water and Sewer access so the property could actually become a cluster development, and have up to 6 units on it. Agent also explains that their proposed impact would be less than this cluster development that would be allowed on the island. Also explaining how the campers would travel to the island as presented in the application packet. The proposed use has also been presented to the Conservation Commission. Agent also explains how they meet the requirements set forth in the Zoning Ordinance, and how that correlates to the City's Master Plan. Agent also explains how they have tried to minimize all of the impacts to the island that this project would create. Also states that they have reviewed the letters that the City has received and

feels that they have addressed the issues that some of the residents may have and that she was concerned with the letter that was received from the Conservation Commission as the plan that was submitted to them was the same plan that has been submitted to the Zoning Board with the exception of the items that the Conservation Board told them to add.

Board and Agent answer questions: Asks if the main building is already in place. Agent states that the building is already in place. Also discuss what can be done with the main structure and that no changes can be made to the foot print that is within the buffer zone. Also discuss current structures that are already on the island that are non-conforming. Also discuss differences in the renderings that appear to show changes to the main structure that are not accurate, as no design changes are happening to the main structure.

Chair: S. Bogert and D. Trefethen: Discuss why the Conservation Commission submitted a letter. D. Trefethen, explains that the staff have gone through the plans and found no significant changes to the plans from the plans that were submitted to the Conservation Board, and he does not know why the Chair had the letter written.

Chair: S. Bogert: Opens the application to the public at 9:04 PM Also states the people who wish to speak need to introduce themselves and be respectful.

Mark Tedo, 224 Paugus Park Rd, states that he is a resident on the road. Explains that giving back in anyway to the community and the lake is a benefit. Also explains that he knows Scott and thinks highly of him. Also states that he supports the plan and his local neighbors.

Floyd Youssef, 30 Paugus Park Rd. Describes how that pictures are an eye sore. Also states that he is suspicious of the developer that he is hiding something up his sleeve. Explains that this island is seen by many and compares island to the moon, and that it is not fair that so many disapprove of the development. If this is approved he would change his house into a Handicap Recreation center for children is this is approved and that the board should approve this plan, and if they don't its discrimination. Also states that they the developer doesn't care about the other residents or the animals that are living on the island.

George Flanders of 128 Paugus Park Rd: Explains that he wants to voice his opposing to this plan. That Paugus Park and South Down enjoy their properties. Explains that he is concerned about the impact of the proposal and who is going to enforce what is going to happen on the island. States that he has concerns about the noise and the developer selling the property after the fact, while lowering the tax base for the properties that surround the island.

Mark Mallahan, 42 Paugus Park Rd: States that he would like to ask the board to not approve the application. Explains that a Conference Center needs access to parking, Police, and Fire access. Expresses concerns with having people on the island that has a large amount of wetlands. Also explains that the noise study that was performed was not done on the island it was done on the shore. Also states that he can hear the Margate that is over 6,000 ft away. Expresses concern, with noise level, and over all issues with plan.

Mr and Mrs. Reginald Gaudette, 58 Paugus Park Rd: Explain they have been a resident there for over 20 years. Also explain that the loons have left Little Island, and that if the girls at the camp speak, at all they will drive off the Loons from Big Island. Also state that they have seen an Eagle on the island and that nature is very important. They also feel that the island is too small for a girls camp, and that the swimming area is not large enough for the girls. Its also going to effect taxes, the resident states, as its going to lower the property values.

Karin Hoeffler, 8 Paugus Park Rd, States that she lives directly across from the island. Also explains that Scott purchased the house next to them, and is concerned that they will transport people from his residential property. She explains that she has spoken to Scott and continues to explain what a girls camp has and the differences between a girls camp and a conference center.

Mike Dellavechia of Little Island: Explains that he believes Scott Everett's heart is in the right place and supports his plan to establish a "Girls Camp." Also explains that the area is being transformed and that Paugus Park Rd is transforming at least 2 cottages a year are torn down and super houses are being built up. Also explains that he would rather see a girls camp on the island than 7 high rise condo buildings. Also explains that boat traffic is already high in that location and a few more boats going back and forth to the island will be negligible.

Sarah Keroack of 24 Paugus Park Rd: Explains that she is a year round resident, and has been told that Scott Everett has had meetings with residents and that she has never been invited to one of these meetings. Applicant also expresses concern about noise. States that the report done on sound for the Island was performed in South Down not on the Island.

Ben Gamache of 50 Paugus Park: Explains that many residents of Paugus Park Rd wish that this plan does not happen. Also expresses concern over noise levels. Resident also expresses concern that allowing this would result in lower property values, and that the owners of the Paugus Park Rd area are sensitive to keeping the area residential and not commercial like the other side of the lake.

Mary Joan Alton, states she lives on Paugus Park Rd, explains that the area should stay residential. Also expresses concern about Loons. Very concerned with safety of campers and does not think that the island is an appropriate place for a girls camp.

Ann Higgins, states shes an abutter and provides no address, explains that she supports Scott Everett, and fully supports the plan to place a girls camp on Big Island.

Carolyn Mallahan of 42 Paugus Park Rd, explains that she does not support the development of Big Island, and they went to the City Council meeting when they attempted to change the zone of the island and fully did not support that. Shows a picture of Big Island that her daughter won an award on.

John Cooley, Senior Biologist for the Loon Preservation Committee: Express that he monitors the island, and has covered Paugus Bay since about 2001. States he is concerned with the plan and feels that it would impact the Loons that nest on the island. Also explains that he had spoke with the developer about mitigation of the impact of the Loons. Also states that he is very concerned with the noise and activities levels that would be on the island and that it would be a big change to the Loons environment. Also explains that noise levels directly impact Loons.

Board and J. Cooley discuss Loons and where they are located on the Big Island. Also talk about issues that would force the Loons to leave and what factors lead to Loons leaving an area.

Chair: S. Bogert: Reminds the public that the meeting will end at 10 PM. At 10 PM the Application will be continued to the following month.

Donna England of 98 Paugus Park Rd: Explains that Scott Everett owns several properties on the road and what would stop him from using those properties for parking and for shuttling girls to the island. How would an emergency work on the island. Fire Trucks can not fit down the road.

JR. Teto of 136 Paugus Park Rd: States his family has own the property since 1942. Explains that the road does not adapt well to change. Describes that most residents have not like change on the road but have come to like changes that have occurred. Continues to explain that he spoke to Scott Everett, and Scott has told him his view of the island and he is not out to make money but to give back to the community. Expresses his support for the project and its non-profit.

Sean Noe 8 Prescott Ave: Explains that Scott is a nice person and in the business of changing lives. States that this is Scott's vision ever since he purchased the island.

Peter Casell 6B Hidden Cove in South Down: Explains that he is part of the governing body at South Down. That South Down has listed out concerns that they had with this application. That they were concerned with safety concerns, medical care of the girls while on the island, and noise levels. States

that South Down Council disapprove of the application.

Bob Joncas 16 Fern LN, South Down, Expresses concern about noise levels.

Tim Everett: Developers Brother: Explains that Scott moved to Texas and does well. Continues to explain that he is not plotting, explains that his brother wants to give back to the community and does not have nefarious plans. Explains that he lives on Paugus Park Rd and that they have worked with a lot of people in the local area to help develop the island. They want to address the concerns of the residents.

Chair: S. Bogert: Motions to continue application to the next month.

M. Foote: Seconds Motion.

All voted in favor 4-0

9. OTHER BUSINESS

No other business

10. ADJOURNMENT

R. Maheu: Motions to adjourn at 10:01 PM

M. Foote: Seconds motion. All voted in favor 4-0

Minutes respectfully submitted by:

Robert Mora
Zoning Technician