

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

Present: W. Hutchins, **Chairman;** W. Contardo, **Vice Chair;** J. Mailloux, **Secretary;** D. Richards, L. Guild, J. Tivnan, H. McLean, D. Bownes

Absent: G. Denio

Staff: S. Saunders, B. Loughlin

I. Call to Order

W. Hutchins called the meeting to order at 6:30 pm.

II. Presentations

None

III. Extensions

1. Appl# 06-007 SU Map/Lot 173-248-3, 1144 Weirs Blvd, Proctor's Lake House Cottages is requesting an extension for the completion date.

- a. Plan Revision: Done
- b. Mylar, final plans: Done
- c. Site Restoration Security: Done
- d. Completion: 11/13/07, 11/4/08, 11/3/09, 4/5/11, 4/3/12, 4/2/13, 4/1/14, 4/7/15,
new request April 5, 2016

Applicant: Patrick Clausen was present and explained the request. D. Bownes asked what was needed for completion and was told some electrical work and before the units can be marketed, they need to file with the state. Attorney Dyer told them not to do that yet. The electrical meters would only take about a month to finish.

S. Saunders cautioned the Board that the application was approved 10 years ago and it is to the point where action needs to be seen or the Board needs to stop granting extension approvals. W. Hutchins suggested the Board ask the applicant meet with their attorney to come up with a plan so the Board will not be put in position to deny granting extensions. D. Bownes asked if the property falls within the upcoming zoning change and S. Saunders noted that the change wouldn't affect the approval. P. Clausen said it is not feasible to sell condos in the current market. L. Guild agreed with W. Hutchins and can't justify approving the request for another year. H. McLean asked about the state statute and S. Saunders said this application predates those. This is the longest outstanding project the Planning Board has right now. D. Richards noted that in the applicant's defense, this project has been complete and ready to sell, other than the electrical work, where the other projects needed much more work. W. Hutchins stated is better to have this resolved for the future.

*Motion: W. Contardo made the motion to approve the extension with a condition at in 6 months the applicant is to have a resolution to completing the build out in the form of a detailed schedule of completion for the project. D. Richards seconded the motion. **The motion passed unanimously 8-0.***

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

IV. Continued Public Hearings

1. Appl# PL2015-0004SU ~waiver for sidewalks

Meredith Ctr Rd MBL36-153-27

Proposal to subdivide 2 parcels off 82.6 acres

(Decision)

W. Hutchins noted that the applicant requested the application be continued to May 5, 2015.

*Motion: D. Richards made the motion to continue the application to and L. Guild seconded the motion. **The motion passed unanimously 8-0.***

V. Public Hearings

1. Consideration of Zoning Ordinance, Section 235-23 Uses as it relates to the Commercial Resort zone (CR) in the Weirs

S. Saunders reviewed the presentation from the March meeting. The Council sent a resolution asking the Planning Board to look at the uses in the Commercial Resort (CR) zone. Planning Board referred the matter to the Zoning Task Force (ZTF). The ZTF reached out to Weirs Action Committee (WAC) and Weirs residents and had public meetings. The proposal is from the results. The proposal included rezoning district boundaries. The Weirs Blvd area would change to Shore Front Residential (SFR), which is the same as the north of the boulevard on Endicott East. Reason being, the area has changed to residential and the commercial uses were not applicable to neighborhoods.

The northern part of the Boulevard, from the Naswa north, would stay CR. With that change, it left a small piece of CR on Lake St and it didn't make sense to keep, so that would change to the Commercial zone to keep with the adjacent area of CR on Union Ave.

The ZTF also looked at the use chart. Changes were proposed to the CR zone. The Weirs Blvd uses, which are currently the CR zone would change to what is permitted in the SFR zone. W. Hutchins asked S. Saunders to touch on the Christmas Island Steak House. S. Saunders stated that the use would be grandfathered as long as the use is maintained or actively marketed as a restaurant. If the restaurant use is terminated or abandoned, or the property not actively marketed as a restaurant for 12 months, the use will be lost.

W. Hutchins explained the process of this change and stated that the Board's action would not be the final word, the proposal would then go to Council where they vote or hold another hearing. The Council is the final body for action.

L. Guild asked if the CR line extends past the Naswa and S. Saunders said the line stopped at the Naswa. W. Contardo asked what the difference was and S. Saunders said the uses will be more residential in the SFR and in the CR, more commercialized.

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

Public: Fred Clausen of Eastern Shore Condos spoke. He noted that there are more businesses along the Boulevard than just the Steakhouse. He has a condo at Eastern Shores, and objects to being thrown into the Commercial zone since they are residential. It is a real concern. There was also question on why the properties north of Eastern Shore will be put in the Commercial zone, since they are single family homes and wondered why not just continue the residential down instead. The change will effect over 20 owners. S. Saunders said she can look into that.

Cynthia Makris of the Naswa spoke. Her concern is that three major motels will be put into a residential zone and will not have the chance to expand; Bay Top motel, Birch Knoll and the Lazy E. For over 100 years, the Weirs has been a Commercial Resort and she doesn't understand the change. She feels the Boulevard is part of the beach. She asked that as time goes on does that mean the entire Weirs will change? She feels the Weirs is a viable part of the City, even those that are open part of the year. She asked if someone wanted to buy an older home and put a business in they couldn't and feels that will stunt business and growth in the area. D. Richards said with the growth of residential, more people will be around for the businesses. C. Makris was looking for an explanation of the change. D. Richards said in the context of planning, they are looking at the future. The commercial businesses will be grandfathered. D. Richards said the residential has grown in the area and not businesses, over the last 10 yrs. W. Contardo asked how one would change the use of a building to put a business in and S. Saunders explained the variance process through the ZBA. S. Saunders noted that if the current trend shifts and the need is there for more businesses to go in, the rezoning discussion can be opened again. W. Hutchins suggested to keep in mind that zoning protects property owners' rights and there was concern about devalues in properties. C. Makris understands that, but thinks when businesses bought in the area there is certain level of expectation. If peace and quiet was an issue, one wouldn't buy in a resort area. D. Bownes noted that it's not the fact that it's been a CR zone for so long, it's that the history of development has turned residential and the impact to those existing commercial uses. He is not sure there will be much of an impact to the businesses mentioned and many uses will remain. This proposal is not aimed to harm any businesses, but to offer the area to follow the trending residential development. C. Makris thanked the Board for their time. D. Richards added that one would hope that the residents would partake in the local businesses and noted that most do realized where they are and that some noise is going to be heard.

Fred Clausen stated that Eastern Shores has had many years of issues with the Chinese restaurant across the street in Gilford. They would not want it to be thrown back at them now that the condos would become commercial. D. Bownes asked F. Clausen when he found out about the zoning change and was told this evening, he was unaware that the condo was part of the change.

Louis Draper of Eastern Shores, asked what the possibility would be that the Margate put a coffee shop in and S. Saunders said a coffee shop could be put in currently, with the CR zone. L. Draper asked if anything will change with dimensional requirements and S. Saunders read the dimension chart change for CR and Commercial. L. Draper wondered why the zone couldn't just stay the same and S. Saunders said that the Board didn't want an island of CR when the rest is at the Weirs. S. Saunders stated that she can sit down with L. Draper on the uses if she would like.

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

Mike Foote of 222 Rollercoaster Road spoke next. He is a ZTF and ZBA member. He stated the ZTF looked at lots of input and recognized that things are not going to be there way they use to be. He noted that there is a change in demographics and there is always a plan for undeveloped land.

W. Hutchins closed the public hearing.

W. Hutchins stated that the ZTF is made up of ZBA, Planning Board, businesses and others in the community and this change was to address the Council's request.

*Motion: D. Richards made the motion to recommend the changes as outlined to the City Council. W. Contardo seconded the motion. D. Bownes supports the change, but noted he will bring attention to Council the concerns of the community and make his own recommendation to have the Council hold a public hearing, so they can hear the concerns. W. Hutchins feels it proper that Council hold a public hearing as well. L. Guild appreciates that and feels that this Board needs to move forward. W. Contardo noted that there doesn't seem to be any major impact but understands the public concerns. D. Richards added the WAC held meetings and the majority thinks the proposal is a good thing and for it to move forward. S. Saunders noted that any citizens with concerns should call or see Staff in the Planning Dept. **The motion passed unanimously 8-0.***

2. Appl# PL2015-0038SP amendment

198 Endicott St North MBL 156-262-5

Proposal to amend the architecture of the approved units

(Acceptance & Decision)

B. Loughlin stated the application was complete and ready for hearing.

Action: L. Guild made the motion to accept the application as complete and open the public hearing. W. Contardo seconded the motion. The motion passed unanimously.

Applicant: Skip (George) Kelley was present and addressed the Board with the proposal. Currently, the footprint of the units are limited to 1000 sq ft and asked for the ability to put 1200 sq ft units with a single level. Many residents have limited access issues and are looking for one level living. The impact to the community from his development has been minimal, since most of his residents are of retirement. Many buyers live there in the warmer months. There is a waiting list on these models, if approved. The lay of the land impacts the unit style. The majority of phase 4 would accept single story, which would be approximately 30 -40 lots. All of phase one and two are built out but 2 lots.

B. Loughlin read the staff review. The application is just a change in the type of unit and fairly simple. Staff recommends approval. Quick notes: there is no site security needed and the conditions should be numbered 1-5 not 1-6. The actual footprint would be larger but green space is still available. L. Guild suggested G. Kelley build more 2 car garages instead of single or have a spot for a golf cart. G. Kelley noted that he will look at where the lay of land can support that.

Abutters: None

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

Pubic: None

W. Hutchins closed the public hearing.

H. McLean asked when the development started construction and how many units have sold. G. Kelley stated the project started in 2008 and has sold 36 units so far.

*Motion: D. Richards made the motion to approve the application amendment with the dates and conditions noted. L. Guild seconded the motion. **The motion passed unanimously 8-0.***

W. Hutchins noted that Laconia would love to see more families come into the community for more vibrancy.

3. Appl #PL2015-0027SP, 0028CUP (wetland), 0043CUP (municipal use) ~waiver for fees Belmont to Main St

WOW Trail phase 2

Continuance of the WOW trail from Main Street to the Belmont line

(Acceptance & Decision)

W. Hutchins stated that this is a municipal project so the conditions are recommendations and City Council has final approval.

B. Loughlin told the Board the application was complete and ready for hearing.

Action: L. Guild made the motion to accept the application as complete and open the public hearing. J. Tivnan seconded the motion. The motion passed unanimously.

Applicant: Jay Poulin of HEB Engineering represented the WOW folks. The proposal is the continuance of phase 1. Phase 1 is approximately 1 1/3 miles long and goes from the Library to the Opechee Inn. Phase 2 is proposed to be approximately 1 mile long and will connect the Belmont trail to the Library. The trail will almost entirely be in the Railroad right of way (ROW). The 3 areas outside of the ROW will be Bartlett Beach, due to wetlands, Fair Street bridge sidewalk, and across the Citizen Newspaper property. The easement has not been granted yet but the agreement is near finalization. There will be a bridge over Durkee Brook and some boardwalks will be built over wetlands. He is working with DOT Bureau of Rails and have to meet their standards. The goal is to get approval and start construction this year. The State wanted more information on the wetland boardwalks, such as the height of the wetland to the bottom of boards. There were also questions on the bridge that crossed Durkee Brook and the State needed hydraulic information. The State also asked for vegetative swales in the ROW but the Bureau of Rails want stone. Limited clearing is proposed because most of the trail being in the Railroad ROW. D. Richards asked if bids will go out and was told yes it will be publicly bid on. The fence will be 4 ft 6 inches along the trail in the ROW between the railroad tracks and trail.

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

B. Loughlin noted Staff had been working with the applicant and since it is a municipal project, Staff recommends the Board grant the waiver for fees and the CUPs. TIF funds are being expended as part of the project.

Public: Jeff Joyce of 361 Court and 373 Court, has issues with the trail going through the property. There is no buffer zone and that will cause a major problem. J. Poulin noted the edge of the path is approximately a foot from the building. The building encroaches in the Rail ROW. The trail can't get closer to the rail due to 15 ft buffer needed from the center of rail to the fence. It is a tight area but no impacts will be to the building. J. Joyce is concerned with the drainage and J. Poulin said the drainage that has been put in will only affect with the trail as it is sloped toward the track and away from his property. J. Joyce is not happy with the people that currently walk by their property and concerned that it will not change. B. Loughlin noted the section of the rail will have chain-link fence. The only split wood fence would be in front of DuPont's property because they own both sides of the ROW. W. Hutchins asked S. Saunders if there are storm water issues and she doesn't think there will be. J. Poulin added that when dealing with DOT it helps to have recommendations from Boards and suggested the Board have a requirement, like split rail fence in certain areas or other ideas that will help the abutters in the approval. W. Contardo asked if other options had been looked at for the trail, other than railroad beds and J. Poulin said no but with other portions of the project they have when there is a need to. D. Bownes stated that the idea was to keep the trail along the water and follow the Railroad. The City is not participating alone, there are lots of others participating and is in favor of the project, as proposed. W. Contardo noted that the initial concept was to get rid of the rails and put in a trails, the WOW group decided to keep this trail along an active rail line.

Joan Geary of 1 Winnisquam Ave, is concerned about the type of people that already walk the tracks in that area. She feels the WOW trail shouldn't be taking private properties. No one goes to Bartlett Beach anymore because of how people leave the beach with the mess and garbage. She is also concerned how the ducks and turtles and other wildlife will be affected.

Bob DuPont of 22 Keasor Court, stated that he has lived on Court Street all his life. He has high taxes and worried this proposal will reduce value of his properties. He had asked for reconsideration to relocate the trail along Keasor Court to Court Street. He doesn't feel the width of 10 ft is needed all the way along the trail. He has his own beach and has owned in Laconia for a long time and would like access to the trail without everyone on his beach. Currently, there is a lot of foot traffic on the tracks. He feels that no wetland should be disturbed and wouldn't if the trail went along Keasor Court. He will give easements along his properties, if needed or take some of his land, instead of using the Railroad track. Maintenance will be tremendous. He doesn't want a fence on his property.

Larry Joyce of 373 Court Street noted that currently the trail coming from Belmont has shopping carts, broken glass and garbage on it. People steal flags and he feels it's not a good idea. He would rather see an alternative for that area. The part that is there is a garbage dump. He wondered who will pick up the garbage when the trail goes in and who will take care of the fence.

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

Allan Beetle, president of WOW Trail Board, has been with the WOW group from the beginning. Earlier in the process, he sat with Council and neighbors on Moulton Street on phase 1 and they reiterated the same issues and were passionately against phase 1. Now the area is safer and nicer because of the trail. He believes this section will have the same result. People view the trail as an amenity. Having the trail off the road doesn't make it an amenity. J. Tivnan asked A. Beetle if he walked the trail area and A. Beetle said he toured the DuPont property and agrees it is very nice. A. Beetle added that all of the trail will be on state land.

Dick Mitchell of 84 New Salem and owner of Pitmans Freight Room spoke. He was trying to look at the application objectively. He was around when the Riverwalk concept came about and it was supposed to showcase the City. He uses the parking area in the Railroad ROW and has been told the ROW was reserved for the WOW trail. His concern is that he would lose parking and thinks this will not positively impact his business. He suggested a continuance of the Riverwalk instead.

Jon Moriarty, spoke as president of Main Street Initiative. There is majority and minority opposition of phase 2 of the WOW trail. About 60% are pro as presented and 40% are undecided and opposed. He feels Pitman's is good for Laconia's image however he hopes the WOW trail will also become a statewide attraction. Looks to him that phase 2 is majority in support from the downtown folk. He heard that the people who own Ferry Point Inn are excited for phase 2. J. Poulin noted the plan before the Board is what is proposed to be constructed.

J. Poulin stated that one change will be in the downtown area, by the train station. The right turn lane on New Salem Extension will be removed. They have worked with Railroad and found that would be the best alternative. Studies show few take right turns there. They propose to make the back of the Railroad station more appealing with pavers and lighting. J. Moriarty added that feedback from pedestrians that the snowbank between the back of the Railroad station is difficult to get through in the winter and people end up walking along New Salem Street anyway. J. Poulin said there is a plan that would provide up to 25 offsite parking spaces adjacent to Salvation Army but that has not been finalized.

W. Hutchins closed the public hearing.

W. Contardo stated he would vote no on this application. J. Tivnan said he has walked the trail and would not want something like that on his property.

*Motion: J. Mailloux made the motion to approve the waiver of fees. H. McLean seconded the motion. **The motion passed 6-2 with Tivnan and W. Contardo abstaining.***

*Motion: J. Mailloux made the motion to approve the CUP for wetlands. D. Bownes seconded the motion. **The motion passed 5-3.***

Motion: J. Mailloux made the motion to approve the CUP for municipal use. D. Bownes seconded the motion. H. McLean asked what the next step would be after the CUP was approved and S. Saunders said the Site Plan would need approval. W. Hutchins reminded the Board this was a municipal project so a recommendation would go to Council where they approve or not. W.

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

*Contardo wanted Council to be aware that members are not all in agreement. L. Guild is in favor of this type of project for the City, but is concerned of the abutter concerns. In Maine, where the Marginal Way runs along the beautiful seafront past million dollar homes, people walk it year-round and enjoying the view. He thinks the City needs to be progressive. His family has owned property in town for over 75 years and has seen some of their buildings come down for a new building. It breaks his heart but that is progress and there is always an option to satisfy abutters. D. Richards agrees with L. Guild. **The motion passed 6-1.***

*Motion: J. Mailloux made the motion to send the site plan approval as drawn to the City Council. D. Bownes seconded the motion. **The motion passed 6-2.***

*Motion: D. Bownes made the motion on behalf the Planning Board to request the Planning Dept submit the applicable letter to the appropriate parties of any aspect of the project that DOT or whoever makes the decisions on, to have split rail fencing, or any type of decorative fencing, that will fit the lay of the land, on private property for the WOW trail project. H. McLean seconded the motion. **The motion passed unanimously.***

VI. Application Acceptance

1. Appl #PL2015-0019SP, 0020CUP (daycare)

126 Union Ave MBL 432-220-39

Proposal to amend the site plan to allow for daycare

B. Loughlin told the Board the application was complete and ready to schedule the public hearing.

*Motion: J. Mailloux made the motion to accept the application as complete and schedule the public hearing for May 5, 2015. D. Bownes seconded the motion. **The motion passed unanimously 8-0.***

S. Saunders left at 9:15 pm

VII. New Business

1. Sidewalk in lieu contributions discussion

W. Hutchins noted it was asked for discussion because of the industrial zone waiver of sidewalks. D. Richards explained that a long time ago there were spaces where sidewalks would just stop. A map was made and focused on the hospital area, school and other public areas, and money was set aside for those areas to be finished. A few years later the CIP Committee was formed and money allocated to sidewalk repairs. W. Hutchins noted that S. Saunders meets with finance director quarterly to go over funds. J. Mailloux would rather always get the money for sidewalks instead of approving a waiver. W. Hutchins suggested a review of the current Site Plan regs with Legal Counsel and come back with recommendations for the next meeting. D. Bownes would like some standards to make even across the board.

2. J. Mailloux would like Staff to look at the RSA that was in the board's packet from the Lakehouse Cottages for condo conversions and get back to the Board for the next meeting. D. Bownes noted that the Board should be helping development and not hinder.

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

VIII. Old Business

None

D. Bownes left at 9:30 pm

IX. Reports

- A. Planning Department Report: B. Loughlin discussed the March 18 event for the Master Plan rewrite process. An RFP is being put together for the economic chapter consultant and should receive a draft of the chapter soon. Work has started on the land use chapter and that parallels with the economic chapter. Staff is hoping to have charrette in the summer. D. Richards stated that he was at the event and was well done. L. Guild noted the average age was over 50. H. McLean had heard from people and that many younger people are working at that time and can't leave jobs. B. Loughlin noted they are working on outreach for that reason. She told the Board the OEP Annual Spring Conference is scheduled for May 2 and encouraged the Board to sign up.

X. Liaison Reports

A. Lakes Region Planning Commission: W. Hutchins stated this is the beginning of the next 10 year cycle. This is where roads get put on the list for years 2025 and 2026 by the Lakes Region Transportation Advisory Committee. There will be \$4 million for the projects. The primary project is the Rte 11 corridor from Ellacoya to Alton. The next was Belmont Rte 140 to Main Street and Rte 25 from Meredith to Center Harbor.

B. Conservation Commission: B. Loughlin noted the NHDES will release the \$15,000 source water protection grant funds to the Con Com in Late March/April. The money will be allocated to the Phase 1B Watershed plan. A kiosk will be built this year to promote the wildlife/invasive species management project at the Laconia Transfer Station. The kiosk will include a section with one page Invasive species educational brochures specific to Laconia. On Saturday April 18 the annual Transfer Station Earth Day wildlife management educational project will take place. Participants will include Waste Management Inc., Girl Scouts, Laconia Public Works, and Laconia Conservation Commission. The Belknap County Conservation District will provide trees and lecture on Invasive species. In the process of forming an aquatic invasive species subcommittee. The NHDES Stormwater Initiative "Soak up the Rain" Rain garden project will begin. The Con Com and staff hopes to work jointly with Taco Bell landscapers and Belknap County Conservation District to assist to build their multiple rain garden solutions as part of their Grand Opening activity.

C. City Council: D. Bownes was absent.

XI. Other Business

None

XII. Minutes

Approval of the minutes from March 3

CITY OF LACONIA PLANNING BOARD

Tuesday, April 7, 2015 – 6:30 PM

City Hall Conference Room 200A

Motion: D. Richards made the motion to approve the minutes and L. Guild seconded the motion. The motion passed with 2 abstaining because they were not present at the last meeting.

XIII. Adjournment

*Motion: D. Richards made the motion to adjourn and H. McLean seconded the motion. **The motion passed unanimously 8-0.***

The meeting adjourned at 9:46 pm.

Respectfully,
K. Graham`