



CITY OF LACONIA PLANNING BOARD
Tuesday, July 12, 2016 - 6:30 PM
City Hall - Conference Room 200A
Accepted August 2, 2016

I. Call to Order

Chair Hutchins called the meeting to order at 6:30 pm

II. Roll Call

K. Graham called the roll with the following member present: Charlie St Clair, Mike Limanni, Mike DellaVecchia, Jay Tivnan, David Bownes, Jerry Mailloux, Secretary; William Contardo, Vice Chair; Gail Denio, Hamilton McLean, Edwin Bones and Chair Warren Hutchins

Chair Hutchins stated there were eleven (11) voting members present and a quorum was established.

Chair Hutchins seated M. Limanni as voting member.

Chair Hutchins noted Don Richard's passing and told a few of his accomplishments.

III. Presentations

1. Legal Counsel presentation regarding the Parking Garage

Walter Mitchell of Mitchell Municipal Group gave an informative presentation on the parking garage as a curtesy. He passed out a packet for the Board to look at. A long time ago, the garage building was subdivided before being built. The plan shows the parts owned by the City and private ownership. The purchase from the City will be to own the ramps, and the rest of the floors of the garage, but not the units. The City will not be going before the Planning Board on the changes of ownership because there will be no construction or changes with the transaction. If there were to be any additions to the building or construction changes, then the City would come to the board.

IV. Extensions

V. Continued Public Hearings

VI. Public Hearings

1. PL2016-0075CR, Endicott Street East, (was previously approved as Shaker Hill Estates) Conceptual review to discuss construction of 126 unit townhouse style development

Chair Hutchins opened the public hearing at 6:42 pm.

Applicant: Attorney Patrick Wood along with owner Vahe Apelian and architect Yervant Nahikian, were present. He gave an explanation of the history of the property. The applicants have been involved in the project for some time and have nothing to do with the old project. The parcel was purchased in 2006. A number of changes since the last approval have been done and impacts have been lessened. Atty Wood feels the project will add to the City. There will be 52 single family units and 17 twin home/duplex for a total of 86 units. Depending on topography, some units will have basements and garages. There will be two points of access on Endicott, a main entrance and the other one, gated for emergency use. Lots sizes range from 4,000 sq ft to 11,000 sq ft. The unit per acre has been reduced by a third. There will be sidewalks where there are houses. There will be private

streets with a 40 ft right of way. There will be city water and city sewer. There is a shell of the pump station, at the northerly end of the property with gravity feed. V. Apelian said prior issues were finances and drainage. Street lighting will be limited to intersections. The new plan is set to the 50 ft wetland setback. There are walking trails and a playground, a resting area with pergola, a gazebo and an access into the park for the residents. The drainage and sewer and will be privately maintained and the utilities will be underground. The applicant met with Conservation a few weeks ago to address any questions that may come up. Some issues were to have a clear plan for snow removal, to maintain the wetland buffers and preferred golf carts not be allowed. They also suggested putting in rain gardens. The applicant also met with DPW and they wanted to make sure the infrastructure is still usable.

Unit sizes would range from 1,150 to 1,300 sq ft with 20 ft between buildings as this would be presented as a cluster development. In order to do that, the perimeter buffer would need a variance for the 75 ft and would be asking for 40 ft for a few of the units. This development would probably be two to three phases to build. Y. Nahikian explained the phases. The layout of roads is basically the same as previously approved with only slight changes. The road will follow the grades and driveway layout. W. Contardo feels that golf carts should be thought about and address it from another point of view. The lots would be owned as well as the building similar to Long Bay. Atty P. Wood noted that a few of the houses would face each other but mostly they will have views.

C. St. Clair had a valid concern about adding a turning lane on Endicott East. The Board would like to have some kind of barrier into the Weirs Park so golf carts would not be able to enter the trail.

Abutters: Ken Durton, Weirs Community Center President spoke. He noted the development looks like a great idea but concerned about the access to the park. He asked if there could be a buffer between the park and entering the development. He suggested putting up a post to stop snowmobilers and golf carts from entering the park. Atty P. Wood stated that there are a number of trees that are not being removed on the property lines. He added that if necessary, they could plant.

Atty P. Wood stated there could possibly be an application submitted in October.

Chair Hutchins closed the public hearing at 7:32 pm.

2. PL2016-0079SU, 32 Artisan Court, Proposal to change the form of ownership from commercial to commercial condominiums for 8 units

Chair Hutchins opened the public hearing at 7:34 pm.

Applicant: Atty Rod Dyer representing the property owner, Tim Long from Meridian Construction. The commercial building is located off Lily Pond Rd in Gilford. The building was built in 2004. It is 9,600 sq ft with commercial, office and manufacturing units and serviced with municipal utilities. In 2009 the building was approved to convert the form of ownership to condo but it never got to the Secretary of State. It was suggested that the process be started again. He read a portion of the RSA 356 B 5, stating the condominium form of ownership and jurisdiction of the Planning Board. There are 51 existing parking spaces and twice the green space required.

Staff Review: Interim Director Loughlin read the staff review. Staff recommends approval.

No one from the public spoke for or against the application.

Chair Hutchins closed the public hearing at 7:45 pm.

Atty R. Dyer noted when the units are sold, depending on the square foot of the unit, the property will end up with undivided interest in the land. The Association will take control but T. Long intends to stay in the building and have a say.

J. Mailloux made the motion to approve the application with the dates and conditions noted in the staff review. Seconded by W. Contardo. All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.

3. PL2016-0075SU, 326 Endicott St East, subdivision of one lot into seven; waiver for sidewalks requested

Chair Hutchins opened the public hearing at 7:52 pm 1:21:07 in video

Applicant: Steve Smith and Kevin Morrisette were present. S. Smith stated the property is 2.92 acres and the former site of St. Helena's church. The church has been removed. The lot has two frontages along Pendleton and Endicott Street east. Currently, 81 % of the site is covered in pavement. Five lots are proposed on Pendleton and two on Endicott East. There is a special setback from Endicott of 50 ft from the centerline. The sewer line extension been designed and approved by the state and DPW. Not city water but a private water that the city doesn't service. It is a franchise belonging to the Lakes Region Water Company. Driveway permits have been approved off Endicott by the state. The pavement will be removed either lot by lot or all at once and because the amount is over 100,000 sq ft, TRC asked if an AOT permit from the state would be needed. The state gave a waiver. Street trees will be planted approximately every 50 ft. The applicant is proposing new sidewalk along Pendleton Road, but has requested a waiver along Endicott East. J. Mailloux asked why the waiver for Endicott East and S. Smith stated the applicant feels that the ordinance has been met and one is not needed there. There are no beach rights to the property. There is one sidewalk near Governor's Crossing. Chair Hutchins clarified that there is sidewalk that meanders up to Plantation Road from Sterling Drive and Sterling Drive to the Gilford line. There is no sidewalk from the top of the hill down Endicott East toward the Weirs. S. Smith suggested an easement along the utility right of way between lots one through four. Chair Hutchins stated this is a good example of why requiring sidewalks each time there is a development it is filling in. There is sidewalk from the rotary to the plaza then the City put sidewalk in going up the hill and spotty until the proposed development. C. St. Clair asked if the winding sidewalk in the woods across the street is public and Chair Hutchins said yes but not accessible. Chair Hutchins was concerned about erosion with the removal of the asphalt. S. Smith stated the soils are well drained and without the pavement there will be less runoff and more infiltration. H. McLean doesn't see the logic on the sidewalk and feels it better off on Endicott East than Pendleton. The busier street and potential for future connection seems to make sense. S. Smith said that Pendleton is less busy and feels people will walk along the less busy road. Chair Hutchins said under the regulations, sidewalk would be required on both frontages. S. Smith disagrees. There is one utility pole and from there, all the utilities will be underground.

The board discussed the sidewalk regulations. Interim Director Loughlin's interpretations have been that sidewalk needs to be installed along frontages of the development. D. Bownes thinks the board needs to be vigilant about sidewalks unless compelled not to be. The board agreed. Chair Hutchins stated that one element brought up in a previous hearing was for public safety. He feels it necessary to have a sidewalk along Endicott East. S. Smith continued with the presentation. Draft easements were submitted for the sidewalk, sewer and water. On the staff review under item 5: "MONUMENTATION: Licensed land surveyor to submit statement that the proposed monumentation has been installed according to the approved plan, prior to plan recording" S. Smith noted the wording is different and didn't think it correct. Applicant would like to request Dec 5 as the completion deadline. Some of the conditions have already been submitted. S. Smith had a question on security. Normally 10% of the 110% is given. In the review it states that the applicant put up 110% of the security prior to recording. If construction hasn't started the plan shouldn't be recorded. Interim Director Loughlin said it is the typical language used. She asked if there was a date requested. K. Morrisette spoke. In past experience, the plan has not been recorded until the site security is submitted. The wording is stating that 110% is needed before the plan recording. The applicant feels he should be able to run the water and sewer and then get the plan recorded. W. Contardo asked if the infrastructure was done wrong who pays for it. That 10% will cover it.

There was a long discussion about the process of recording the mylar and when to submit the security on condition 3c in the staff review. The board took a recess at 8:31 pm to give Interim Director Loughlin a chance to look at the past wordings. The board returned at 8:41 pm.

Interim Director Loughlin returned with the exact same wording from the Linny Lane Subdivision off Elm Street. Her suggestion for the board to consider would be under section 1 b, site improvement security, could say "must be received prior to the start of work. Under 3c leave the first sentence. So it would read "before the lots are deeded to third parties, the applicant shall provide a cost estimate of remaining site work including labor and provide 10% of 110%. K. Morrisette thinks that the mylar shouldn't be recorded until the 110% is put up. The

mylar should be recorded at a time that makes sense to the developer and the City. The City is in control by the recording of the plan. K. Morrissette feels that when the plan is recorded the City should have the full site security. D. Bownes said it looks like the practice hasn't matched the language and that should be changed. His concern is that the City is protected. The money just needs to be the right amount to cover the project. Interim Director stated the way the language is intended to be, is that prior to the start of work 10% of 110% is submitted as site restoration security. The intention is if something were to happen, the City can go in and button up the site. That is enough. The 110% is for when the project is at the point of finishing and want to start selling and doesn't just walk away before finishing. H. McLean doesn't think the wording is confusing. The process just hasn't been followed. M. Limanni suggested striking the rest of the sentence after 110% prior to recording the mylar, and be done. S. Smith doesn't have a problem with the language, he doesn't want the mylar recorded until work is started.

There was discussion on the language with what to leave and take out. No wording to be changed. The practice of the office needs to be changed. There was shifting of the first section of the staff review.

K. Morrissette discussed the sidewalk waiver. He stated the site has been through controversy since purchased and can hold more units than seven. Sidewalk won't fit due to the special setback and rock wall and phone poles. He is requesting a waiver for the sidewalk and the monetary part of it. The waiver is important to the project. He has never asked for a waiver in all the developments done. M. DellaVecchia stated that the sidewalk is needed, especially in that area. M. Limanni was initially looking for the hardship and thinks those apply.

Staff Review: Interim Director Loughlin read the staff review. Interim Director Loughlin recommends approval with the following changes: Under project completion deadlines, revise b site improvement security: before the start of work; add section d, recording of final plans: the applicant shall provide a cost estimate of remaining site work including labor and provide 110% of the estimated cost for remaining site work prior to recoding of the mylar; change d to e, and change the date to Dec 5, 2016 ,as requested by the applicant be performed sidewalk waiver interprets that sidewalk to be installed and sites have had restraints in; strike under Plan revisions d, the sewer connection permit has been received; the rest of the recommendations are standard. Staff's recommendation on the sidewalk waiver is that the interpretation is that sidewalks are required to be installed for a subdivision on both frontages.

No one from the public spoke for or against the application.

Chair Hutchins closed the public hearing at 9:10 pm.

J. Mailloux made the motion to approve the waiver for sidewalk. Seconded by W. Contardo. J. Mailloux explained the importance of sidewalk but looked at project as a whole. W. Contardo stated the board is always wrestling with the waiver for sidewalk and an understanding is not clear of the connections. He would like to understand how and where the planning of sidewalk will be implemented and how the planning of city is implemented with sidewalks. D. Bownes would like more information on the sidewalks for a decision. He is opposed to the waiver because this sidewalk wouldn't be a sidewalk that goes nowhere. J. Mailloux said the developer says sidewalk wouldn't fit and he trusts that. M. Limanni wants Interim Director Loughlin opinion. Interim Director Loughlin would look at the criteria of granting the waiver and what the intention is. Chair Hutchins travels that road every day. Rte 11b is an arterial road and feels it is a perfect example. C. St. Clair doesn't agree that the board require the sidewalk go in but then doesn't get plowed. M. Limanni feels that a plan should be put in place for future and Chair Hutchins said the city is too big. M. Limanni thinks the site needs a sidewalk. *The motion was denied; J. Tivnan, J. Mailloux and W. Contardo for and M. Limanni, D. Bownes, W. Hutchins, G. Denio, H. McLean and E. Bones against. Alternates C. St Clair and M. DellaVecchia did not vote.*

J. Mailloux made the motion to approve the subdivision with the revised dates and conditions. Seconded by G. Denio. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

4. PL2016-0076SP, 72 Gold Street, replace existing boat storage/wash facility with different configuration; waiver for sidewalks requested

Applicant: Steve Smith represented Lakeport Landing Marina. The site address was originally 34 Park Street, which was changed through this process. The existing use will not be changing. The proposal is to remove the existing boat wash facility and build new for today's standards and to fit today's boats. The new building will be bigger. Approval has been granted by DES. There is an oil/water separator that exists for wastewater that will stay. They have approval from the shoreland storm chamber system that is proposed in the parking lot. That system will go into the city system. Parking is in front of the building. Utilities will be underground. A sidewalk waiver has been requested and there is a sidewalk across the street. The applicant would not like to encourage walkers down Gold Street as it is very busy with boat yard traffic. There is a large oak that may need to come down. The proposed stairs along the outside of the building are a Fire Dept requirement. The shoreland permit process is changing to have more impermeable surface.

Staff Review: Interim Director Loughlin read the staff review. There are no side setback in the Commercial zone and the proposal meets all requirements. Staff recommends approval. The applicant met with the ConCom and they were ok with the proposal. Staff feels the waiver criteria is met.

No one from the public spoke for or against the application.

Chair Hutchins closed the public hearing at 9:43 pm.

C. St. Clair is in support of the waiver and asked if the applicant could put money in a fund.

M. Limanni made the motion to approve the waiver for sidewalk. Seconded by W. Contardo sec. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

G. Denio made the motion to approve the site plan application with the revised dates and conditions stated in the staff review. Seconded by H. McLean. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

5. PL2016-0077SU, 713 Endicott Street North, subdivision of single family residence from camp/RV park; waiver for sidewalks requested

Applicant: Steve Smith representing Allen Latour, the property owner, explained the proposal. The applicant would like to subdivide off the part where the existing house is. The owner has a commercial mortgage and would like a residential mortgage for the residence. There will be no new development. The property is tied to municipal sewer from the campground and the house has a well. Three RV sites are being removed and reducing density. Because there is no development, a sidewalk waiver is being requested. S. Smith noted that if the sidewalk waiver is denied, the applicant probably wouldn't do the sub because it doesn't make sense to do so. The in lieu payment according to DPW is \$58 a lineal foot. There is no sidewalk until the Broken Spoke. C. St. Clair stated he would approve the waiver. If the larger parcel was sold and redeveloped a sidewalk would need to be put in.

Staff review: Interim Director Loughlin read the staff review. Staff recommends approval. The only change was to strike all the plan revisions.

No one from the public spoke for or against the application.

Chair Hutchins closed the public hearing at 10:02 pm.

W. Contardo made the motion to approve the waiver for sidewalk. Seconded by H. McLean. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

G. Denio made the motion to approve the subdivision with the revised dates and conditions stated in the staff review; adding to strike all plan revisions. Seconded by J. Tivnan. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

VII. Application Acceptance

1. PL2016-0082CUP, 18 Cole Street, bed and breakfast

Interim Director Loughlin told the board the application was complete.

G. Denio made the motion to accept the application as complete and schedule the public hearing for August 2, 2016. Seconded by H. McLean. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

2. PL2016-0086CUP, Parade Road Switching Station improvements

Interim Director Loughlin told the board the application was complete.

H. McLean made the motion to accept the application as complete and schedule the public hearing for August 2, 2016. Seconded by J. Tivnan. *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

3. PL2016-0087SP, 523-571 Main Street , Work Out World

Interim Director Loughlin told the board the application was complete.

E. Bones made the motion to accept the application as complete and schedule the public hearing for August 2, 2016. Seconded by J. Tivnan; *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

VIII. New Business

1. Revocation of Appl#2013-0096SU & 0097CUP(wetland buffer), 640 Elm Street

H. McLean made the motion to schedule the public hearing to revoke application 2013-0096SU and 2013-0097CUP (wetlandbuffer) at 640 Elm street for August 2, 2016. Seconded by J. Tivnan; *All voted in favor; Alternates C. St Clair and M. DellaVecchia did not vote.*

IX. Old Business

1. Nominations

G. Denio spoke with the members in the current positions and all are willing to continue in their present positions: Warren Hutchins, William Contardo and Jerry Mailloux.

G. Denio made the motion to keep Warren Hutchins as Chair, William Contardo as Vice Chair and Jerry Mailloux as Secretary; all voted in favor.

X. Reports

1. Planning Dept Report: Interim Director Loughlin stated there is a lot happening in the dept. Staff is down to two people full time in the dept. The Conservation position was posted and closes the 22. The ConCom members have stepped up and are covering in the tech's absence. The Zoning Tech position has been closed and that process has started. The extended riverwalk is finished and open. The Wow trail phase 2 has started by the Belmont line. The Master Plan process is quiet but hoping to get it finished up in the next few months. The chapters are economic development, natural resources, and rough draft of the transportation and land use chapters. The chapters left are housing, community services and facilities and historic and cultural resources.

XI. Liaison Reports

- a. Lakes Region Planning Commission: W. Hutchins noted the annual meeting on June 27 was in Wolfeboro. His term as chair was completed. Wayne Crowley, from Northfield, is the new Chair and John Ayer from Gilford, is Vice Chair.
- b. Conservation Commission: There was no report.
- c. City Council: D. Bownes left at 9:26 pm.

XII. Other Business

Chair Hutchins explained the application process for those interested in a full membership.

XIII. Minutes

Acceptance of minutes from June 1

G. Denio made the motion to accept the minutes as distributed. Seconded by H. McLean.

XIV. Adjournment

W. Contardo made the motion to adjourn. Seconded by E. Bones. All voted in favor.

The meeting adjourned at 10:19 pm.

Respectfully,
K. Graham`