



CITY OF LACONIA PLANNING BOARD

Tuesday, November 1, 2016 - 6:30 PM

City Hall - Conference Room 200A

Minutes

Accepted December 6, 2016

I. Call to Order

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

K. Graham called the roll with the following members present: Charlie St. Clair, Mike Limanni, Jay Tivnan, Edwin Bones, William Contardo, Brenda Baer, Hamilton McLean and Planning Board Chair, Warren Hutchins

Absent: Jerry Mailloux, Mike DellaVecchia, Gail Denio

Staff: Interim Planning Director Brandee Loughlin

Recording this meeting: Kalena Graham

Chair Hutchins named alternates C. St. Clair and M. Limanni voting members in J. Mailloux and M. DellaVecchia's absence.

Chair Hutchins stated there were eight (8) members present and a quorum was established.

Chair Hutchins stated that the proposed zoning changes and new business will be moved up on the agenda due to the amount of people in the audience. He explained the rules and process of the public hearing.

II. Presentations

III. Extensions

1. Extension Request for App# Appl# 04-031 SP, 04-019 CUP (cluster), 04-020 CUP (wetlands)
Endicott Street East, Governor's Crossing

Applicant: Jon Rokeh and Richard Letendre were present. J. Rokeh noted that a lot of work has been done. Planning on going in the spring to finish out the road. A couple more spec houses have gone up and completion looks good for 2017. R. Letendre said the demand is not there. Staff recommends approval.

The motion to approve the extension with the dates requested made by W. Contardo and J. Tivnan seconded. The motion passed unanimously 8-0.

2. Extension Request for App# 06-010 SU, 06-007CUP (cluster), 06-008CUP (wetlands), Rte 106/Rte 107, Lilac Valley Estates

Applicant: Jon Rokeh was present to rep the owner. One for phase 2 and 3. Phase 1 is Constructed. Phase 2 is almost done and the as builts are being worked on. The plan is for 27 units up for next year and they will be rentals. All the contingencies from the original approval will be done. Belmont wanted things done and did a lot of the items, now there is an agreement that has to go to Belmont for that work that was done. Staff recommends approval.

The motion to approve the extension with the dates requested made by H. McLean and J. Tivnan seconded. The motion passed unanimously 8-0.

III. Continued Public Hearings

V. Public Hearings

1. Conceptual Review of The Gardens at Winnepesaukee

Applicant: Atty Pat Wood, representing Phoenix Capital, the developer, spoke. They are before the board again for conceptual review of a few changes. The previous project was approved and since expired as a 126 unit. Since the last conceptual review, they have added a second point of egress off Endicott Street East. There were a few issues the applicant would like feedback on. The perimeter buffer is 40 ft, they will be asking for a waiver for that. There is also an additional 10 ft setback that would require a CUP and would like to know if that would be granted. The cluster ordinance is administered by the Planning Board and the additional setback is on top of the buffer setback for the cluster. About 15 units will be affected by that 10 ft buffer. There have been changes in the land since the previous approval that needs to be discussed. The new plan was drafted with the old topographic plans. An area that was cleared and lowered is now considered wetlands by the state and will have to go through the state process. The pump house location would be a community room. They have plans to meet with the ConCom soon. To review: the application to be submitted will request the CUP for cluster, waiver of perimeter buffer, the CUP for the 10 ft additional setback, and a CUP for mitigation of wetlands.

The board indicated that the CUP request in concept, did not seem unreasonable.

2. PL2016-0097CUP, Trails End, lot 206, proposal to build house in wetland buffer

Applicant: Bob Fryer, the property owner and Attorney Brett Allard were present. Atty Allard explained the Proposal. The lots are existing and the buffer had changed from 30 ft to 50 ft which makes most of the lot is in the buffer. No further encroachment will occur other than what is proposed. The house is over 30 feet away from the water and the patio will be about 25 from the pond. There is a bulkhead proposed where the patio is. The lot was purchased in March and the applicant didn't know there was a 30 ft buffer. He was told he could build in the envelope. Other houses in the area are 20 ft away from the water.

Staff Review: Interim Planning Director Loughlin read the staff review. Originally the ponds were manmade and over time became wetlands. The house is 37.7 ft from the water. Staff recommends approval.

Abutters: Diane Sweeny of 89 Carriage Lane spoke. She was not sure where the proposal was, according to her lot and didn't know what to expect of the proposal.

Bob Curran of 23 Surrey Ln spoke. He is directly opposite the subject lot. He has no objection to the proposal. He had a hard time building on his lot as well. His concern is the effect the water has on sound. He asked the applicant try to maintain a reasonable amount from the pond.

Gerald Guest, the president of the home owners association in the willows spoke. There are three very tiny lots right there. There were approved twenty years ago, then the Master Plan layered over the approval that each structure needed to be 25 feet apart. Representing the association, he endorses Fryer's proposal. One of the lots was bought in 2002 and not built on as of yet. The other was sold with the adjacent house with the intention of keeping the vacant lot as a buffer.

Chair Hutchins closed the public hearing at 9:39 pm.

The motion to approve the application for Condition Use Permit with the dates and conditions noted in the staff review was made by W. Contardo and M. Limanni seconded. The motion passed unanimously 8-0.

3. Discussion of CR2 Zone proposal

Chair Hutchins opened the public hearing at 6:35 pm.

Mike Foote of 222 Rollercoaster Road spoke. He stated that when people talk about the Weirs it is talked about as a resort area. The proposal is hard for some to know whether they are for or against when told the numbers are arbitrary. He would like to know more about the parts of the Master Plan chapters that haven't been taken care of yet and where that will take the community. He feels it is like the cart leading the horse. Recently, a lot of the development has been driven by developers from the high end housing. He would like to know the science behind the proposal and where the area is going. He would also like to know how this would affect smaller properties in the area. He would like to see this proposal be guided by the Master Plan. It's hard to be for or against something when all the information isn't there.

Peter Stewart of 1424 Old North Main Street spoke. He said that he hasn't fully studied the proposal and would like to see a professional planner look at it and give feedback. There is a building on Lake Street in Gilford that fits the proposal description and left it at that.

Dean Anson of Leighton Ave had commented on this proposal with the last meeting. Agrees with Foote on waiting on the Master Plan. He is not excited about the visual aspect and will detract from the view in some areas. Even though the numbers are arbitrary he is not in favor of the height and impervious surface. He is concerned on the impact on the infrastructure and the cost to the City.

Al Latour, owner of the Hack Ma Tack spoke. He is concerned that the proposal will affect his business and possibly future businesses like a daycare. He asked if he was grandfathered and was told by Interim Director Loughlin that existing businesses would be grandfathered.

Fred Clausen, owner of Proctor's Cottages on Weirs Blvd spoke. He was unable to attend the last meeting but watched it on YouTube and was impressed. He feels the area should be toward tourism

and not industrial. Currently there are lots of issues on the channel and feels the less greenspace is not a good idea.

Dina Duplack of Tower Street spoke. She restored her house on Tower Hill and has concern about the area turning into where the Pheasant Lane Mall in Nashua is as well at exit 14 off Interstate 93 in Concord. Those areas are too congested. She wonders what the zoning is geared toward and how it will support the Master Plan. This area has it all already. C. St Clair asked if there is anything on the plan that she agreed with and she feels the numbers are too arbitrary. She wonders where the hub of the Weirs would be.

Steve Whalley of Pendleton Road and HK Powersports owner spoke. He has tremendous respect for the Mayor and feels the proposal deserves a little more consideration. He is trying to deal with a problem. There are less and less tourist coming to the area and feels it inevitable that things are changing. However he feels that more restrictive rules are hard on property owners and takes away from certain people's rights and pocketbooks. That should all have fair consideration on anything that is done. The Mayor's interest is trying to improve the Weirs.

Mary Hutchins of Boathouse Road spoke. All she hears is what and the how and why is it going to happen and hasn't been answered. She feels the proposal should be ended at this point. She would like others to think if this proposal will enhance the area. She thinks there are three areas that could be great for development and this proposal will detract from that. M. Hutchins agrees that a lot has changed. The lake will bring the money in by itself.

Chris Duprey project Manager of Meredith Bay development spoke. Listening to all the input from public, his personal view points have not changed. There are too many questions about the approach and feels the goal and the discussion is worthwhile. There is a desire for more information. He is not sure how this would affect his properties. When he looks at the Weirs, it's hard to imagine there will ever be wide spread demand for high rise buildings. The question should be how to diversify the tax base and promote development which is going to contribute to the tax base and take some of the burden off entirely the residential properties. The proposal would have a negative impact on the development as the demand is not there. The way to improve the lack of business is to increase the people.

Jeff Thurston of Thurston's Marine spoke. He is proud of the fact they are in the Weirs. The original name was The Weirs, now Weirs Beach because it is a resort area. The beach is well known and the area needs to have the want to come here. Meredith is a resort area and tourist driven, not just summer but all year around. He is looking for a plan that has a dynamic in mind, if done diligently, the area could be a cash cow for the City. The Weirs is part of the front door and needs a better facade. The city needs to take care of what it has, and needs to be a place to attract tourists.

Robert Sarsfield of Tower Street spoke. He recently got involved with the WAC, Weirs Action Committee who does a lot to try to beautify the area. He gets confused with what the big picture is and its relation to the big goal. He is stuck on the demand not being there. Changing the zoning won't fix anything. He would love to see things change and the area become a year round destination.

Chair Hutchins closed the public hearing at 7:27 pm.

Chair Hutchins thanked the public for their input over the course of the proposal. He thanked Counselors Bownes and Doyle for their efforts on the proposal. In reviewing his notes of the speakers, there has been an overwhelming rejection of the plan. After a lot of research, interviews, and input, he agrees with a rejection as the plan was just not ready. He went over reasons for the rejection. The core principles that were presented are not substantiated or valid. The details of the corridor would be destructive to the City and the prime asset, Lake Winnepesaukee. The goal of having a 35% commercial tax base Chair Hutchins does not agree with. He feels that this ratio is unobtainable. The surrounding areas have a similar ratio and he read a chart of the surrounding ratios. There is an excess supply of commercial property for sale from Tilton and Belmont to Meredith and Gilford, and named a few. The reason there is a lot of open space in the Weirs, is because the commercial operators don't want to locate there. The number of people and traffic count have to do with that. He quickly went over his past experience in the restaurant industry to explain. What needs to be done is help the current tax payers market the properties. He agrees with the public that people come first and businesses follow. He feels the proposal's greenspace number is unacceptable; greenspace in the Weirs is a critical number and not arbitrary.

The motion to reply to the City Council as required by the City Charter to not recommend adoption of the proposed CR2 plan made by Chair Hutchins and seconded by W. Contardo.

Discussion: H. McLean stated that recently he was looking at apartments and was appalled at the conditions of the rentals in the area. He went to the City Council asking about the Code Enforcement efforts and came to realize that there is no staff to enforce some of the maintenance code. What happens is the properties go unmaintained and the quality goes down and attracts undesirable tenant base. He feels that is what is happening in the Weirs. He feels the proposal is putting the cart before the horse. He can't support the proposal because not timely or thoughtful fashion and in advance of the Master Plan. W. Contardo feels the proposal is too nebulous and that there is no need for change right now. There needs to be people in the area and utilize the service that are already here then move forward with the commercial component. He suggested putting some money in advertising for the City to get people to come here. M. Limanni said the City is advertising itself by being on the front page of the papers every day. Until we can articulate and not be afraid to talk about those other things and fix them, M. Limanni feels the proposal a hail mary. It's restrictive and the demand isn't there. It is missing a community component and until the other issues are addressed, Laconia is a place that one would drive through not drive and park. B. Baer was persuaded by Chair Hutchins arguments and agrees with him.

B. Baer made the motion to amend the proposal by substituting the table of permitted uses to the CR zone, with the 2015 use chart that was before the board previously. W. Contardo doesn't think it fair to receive something close to the meeting without being able to digest the information as the new information was submitted Friday. Chair Hutchins feels the new request table a good one but feels it should not be linked to the current motion. The review of the table of uses is a good thing and should be brought up under new business as a separate item and referred to the Zoning Task Force and have them research it and bring it back to the board. B. Baer withdrew the motion. C. St. Clair stated that he did a count on the fors, against and more information needed from the public. He feels this proposal reminds him of the rezoning of Weirs Blvd and that it would be a good idea to continue talking about it. He suggested keeping the good and taking out the bad. All voted in favor 8-0.

VI. Application Acceptance

VII. New Business

1. Proposal to consider changes to the use chart for Commercial Resort Zone
B. Baer referred to the proposal by Councilor Bownes' handout in the packet.

The motion to initiate a public hearing for the next meeting, December 6, so there will be time to go over changes made by B. Baer. Chair Hutchins suggested forwarding the new proposal of the use chart changes to the Zoning Task Force for review and then hold the public hearing with those recommendations. H. McLean asked why they were thinking about any changes prior to the Master Plan being done and Chair Hutchins said it can be decided on at the time. The motion was seconded by C. St. Clair. The motion passed with all in favor 7-0, with E. Bones abstaining.

VIII. Old Business

IX. Reports

1. Planning Dept Report: B. Loughlin

Interim Director Loughlin gave her report. Construction sites are wrapping up for the winter. Rivers Edge has finished up and there is a Meet and Greet tomorrow night. The contract to finalize the agreement with LRPC on finishing up on the Master Plan. The timeline should start in Jan where one chapter each month will be released. Hopefully the Master Plan will be ready for public hearing in April or May.

2. Liaison Reports

- a. Lakes Region Planning Commission: W. Hutchins

Chair Hutchins stated the last meeting was focused on accessory dwelling units that will be brought in for presentation soon.

- b. Conservation Commission: Interim Director Loughlin noted Evan Rathburn started three weeks ago and will start walking the easements soon.
- c. City Council:

X. Other Business

XI. Minutes

1. Acceptance of minutes from October 4

The motion to accept the October 4 minutes with revisions was made by H. McLean, and J. Tivnan seconded. The motion passed unanimously 8-0.

XII. Adjournment

The motion to adjourn the meeting was made by M. Limanni and J. Tivnan seconded. The motion passed unanimously 8-0.

The meeting adjourned at 9:50 pm.

Respectfully,
K. Graham