



ZONING BOARD OF ADJUSTMENT
MINUTES - MEETING OF
MARCH 21, 2016, 7 PM
Conference Room 200A
Approved April 18, 2016

CALL TO ORDER: Steve Bogert called the March meeting of the Laconia ZBA to order at 7:07 pm.

ROLL CALL by the Recording Secretary: Steve Bogert, **Chair**; Suzanne Perley, **Vice Chair/Secretary**; Orry Gibbs; Mike Foote; Roland Maheu; Gail Ober: **All present**

STAFF: Shanna Saunders, **Planning Director**; Kristine Y Snow, **Zoning Technician/Recording Secretary**

MINUTES: The minutes from the ZBA meeting of February 16, 2016 were reviewed.

Motion: R. Maheu moved to accept the minutes as written, with the second by O. Gibbs. All voted in favor of approval, 5-0.

REQUEST FOR REHEARING:

S. Bogert let the public know that there is no public input at this time. The board discusses the issue and then makes their determination.

Application # 2015-0027
Tarbell & Brodich

MSL # 442-11-36
33 Baldwin Street

RG Zone
Variance

The applicant is requesting a re-hearing from the findings of the ZBA meeting of January 19, 2016. The applicant believes that the board erred in their determination.

The board held a discussion on the application for the variance in order to permit the applicant to add an additional unit to the property at 33 Baldwin Street.

S. Bogert asked the board if they had all had adequate time to review what information was provided by the applicant; they all answered in the affirmative.

O. Gibbs said she feels that there was no new information provided. The information had all been discussed before; there is nothing here to support the density. On the question of expanding, the proposed unit is not in the same building, it is located in a separate free-standing building. This doesn't fall within the ordinance as it doesn't meet the criteria for density and parking. She feels that the board made the appropriate determination.

S. Perley said she agrees with O. Gibbs. She agrees with the information that was provided by the City attorney and his findings that the board did not err in their determination.

S. Bogert said that the previous discussions had covered density, as the board felt that was part of the variance. Grandfathering has no bearing as the Special Exception was granted to permit the use of multi-family home. That has no bearing on the re-hearing process as the issues were density and parking and the board felt the applicant did not meet the requirements. M. Foote said he agreed.

Motion: S. Bogert made the motion to deny the request for the re-hearing with the second by O. Gibbs. All voted in favor of denial, 5-0.

CONTINUED:

The board will hear both of the applications for 9 & 17 North Street together but make separate decisions.

Application # 2015-0042	MSL # 350-168-19 & 20	RG Zone
KTM Properties	9 & 17 North St	Special Exception

The applicant is requesting a Special Exception per 235-26 for a multi-family structure, in order to replace two 2-units buildings (4 units total) with 6 units in two buildings. The lots would be merged and the non-conforming structures and parking would be brought into compliance with setbacks.

Application # 2015-0043	MSL # 350-168-19 & 20	RG Zone
KTM Properties	9 & 17 North St	Variance

The applicant is requesting a variance from 235-33 in order to replace 4 units with a total of 6 units. The lots will be merged and the new lot will have .47 acres, which is 20,473 SF. Density in the RG zone is 6 per acre. With the merged lots the applicant would be permitted only 2 units. There are currently 4 units existing (on 2 lots). The grandfathering is unknown.

Applicant: William Philpot and Chris Albert appeared for the applications. W. Philpot said they had originally appeared in December asking for 8 units. After board discussion they went back, withdrew that original application, and are now presenting this one for 6 units. The 12 docking facilities remain.

C. Albert said he is a wetland scientist. Both of the existing structures are of 1910 construction. There is currently lawn which goes right down to the water. He showed a photo from the marina located across the lake to the house lot. There are two houses, with two sheds on the water. Neither structure meets current setbacks, as they are pretty much on the street. The parking doesn't meet the ordinance requirement. There is access to the water for the abutter to use and they will maintain that.

The lot next to the church used to be 3 lots when it was owned by the mill. The church gave them some land; it is just the one lot that used to be 3. They are providing 12 parking spaces, and are required to have 9. They start at the 15' line and meet all setbacks. There will be a reduction in storm water run-off. They are now doing standard pavement with structures under that that will hold off the water to the lake. There will be landscaping, with low ground cover. They don't want lawn right to the lake, as it drains right in and causes poor water quality. They will provide low plantings and walls.

W. Philpot said there are 12 existing docks, and competing uses now. There are 4 rental units and the commercial marina operation. Parking is on and off site. The boat slips will be brought into the condo project and controlled by them, with each unit having 2 docks. Parking will be brought on site, eliminating the street congestion. There is only 194 SF increase of additional coverage.

Controls will be put in place. They need shoreland permits. They have to go to the Planning Board for site review. They are here for the Special Exception for the multi-family use and for the Variance for density. They have 4 units now, with large structures. They will raze them and replace with new.

SPECIAL EXCEPTION CRITERIA:

A: The use requested is specifically authorized in this chapter. The use is authorized with the granting of the Special Exception.

B: The requested use will not create undue traffic congestion or unduly impair pedestrian safety. There is currently issues with off street parking which causes congestion on North Street. This proposal will bring it all on site without increasing the coverage. They will maintain the green space.

C: 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 run off issue must comply with both city and state regulations. They have to handle the discharge. This won't significantly increase the water usage, which should be 1200 gallons a day. The condo form of ownership is self-governing.

C. Albert spoke to the containments. He said this is underground storage. They are treating volume and quality. The proposed structure under the parking lot will hold back the water which will reduce the amount. They are treating the water which is currently running off the street and houses into the lake. This will pick it up and treat. They will have a natural buffer of shrubs and grasses which will help hold back the run off into the lake. This all now drains straight into the lake.

D: The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

There is only an increase of 194 SF. This will be under condo ownership, which is a self-policing process. There would be a minimum of solid waste. Collection and disposal will occur via pickup. The structures will be new and compliant. There will be a fire sprinkle suppression system, which is not there now. The structures will go from the turn of the last century to now, and be an all new product.

E: Any special provisions for the use as set forth in this chapter are fulfilled.

There are no special provisions but they are providing green space along the water, the property will meet setbacks, this fixes parking setbacks and meets criteria.

F: The requested use will not create hazards to the health, safety or general welfare of the public, not be detrimental to the use of or out of character with the adjacent neighborhood.

There is currently a lot of congestion now. There are competing uses and off street parking now. The proposal will meet that requirement. This should be a plus to the neighborhood – a turning point for the neighborhood.

G: The proposed location is appropriate for the requested use.

The location is appropriate. There are currently multi-family homes in the area. The condo use makes this a good fit. They have self-governing rules, so makes this consistent.

H: The requested use is consistent with the spirit and intent of this chapter and the master plan.

This proposal meets the criteria so it is appropriate to grant the approval.

VARIANCE CRITERIA:

W. Philpot said this request is limited to one objective – to increase the density by 2 units. He said this site is a match for associated waterfront use, and this brings the marina into condo ownership. The marina operation won't be outside of the predominant use on the property. There are now 4 apartments, which are not associated with the docks. That is separate and is creating congestion. This proposal will bring that under control. There will be 12 parking spaces, and they are only required to have 9.

The variance will not be contrary to the public interest. The RG zone allows for multi-family use with the approval of the Special Exception. The development of the water frontage will meet all state and city requirements. The net effect on the footprint is only 194 SF and greenspace is being met. The two current lots would be merged.

The spirit of the ordinance is observed as this is allowing the applicants to seek the higher density which will not increase the overall impervious coverage of the site. That is now 66%, and will be 63% per C. Albert so would have less of an impact. They are only increasing the footprint by the 194 SF.

Substantial justice is done as this will be built under current requirements. There will be both local controls and state DES due to this being waterfront property. They would have to meet all site plan review criteria as well. This will be a condo form of ownership. There will be no off street parking. The objective is to make this compliant. They are bringing parking on site, so would be controlling this. The land acreage is such that the only issue is the density.

The values of surrounding properties are not diminished. The properties are not now compliant. They will allow open space through the middle of the two units to allow for views of the lake. This is a positive for the neighborhood. There are other multi-family structures in the area. The new buildings should have a positive effect on the area.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.

The property now has 4 units and the proposal is for an additional two. Currently the property is mixed use, with 12 boat slips and 4 rental units. The small increase is reasonable. The applicant changed their application from the original request for 8 as they got the feeling that the board felt that 6 was the more reasonable approach.

The property has shore frontage on Winnepesaukee, above the Lakeport Dam. There is a marina operation, which is separate from the rentals. This will all be brought under the same umbrella. All land structures will be razed and be made compliant. They are bringing everything off the street, and adding the condo form of ownership which will control things.

This is a reasonable use and is permitted in the zone.

Board: S. Bogert asked for clarification on the drainage system: how does that function? He was told there will be pavement with catch basin structures. You pull the cover and vacuum out. There is a sediment forebay, with a larger holding tank giving relief. This is contained over a 24 hour period, slow release. There will be downspouts on roof drains. The paved area will be pitched, water will run into basins, with a grease hood on top, sand/sediment falls to the bottom, and all goes to the lake.

S. Bogert said he has questions on the deeds: on warranty deed, 853396, there is a boat house over the Winnepesaukee River. He asked about the deeded access and was told that they will maintain that for the abutter. C. Albert showed the drive for them to access. The shed is to be removed. There is a right to pass/repass to the garage. C. Albert said the garage is not theirs but belongs to this property.

S. Bogert asked about the fiduciary deed which states that no building can ever be placed in a specific area. C. Albert showed the area on lot 20 - the lot which the church sold as a separate lot – that was a deeded no build area. That area is shown on the plan and will remain no build.

S. Bogert said on that same deed there are flowage and drainage rights. O. Gibbs said the state holds that right now. This used to be used in the manufacturing process. She said this should not cause a deed issue.

S. Bogert also asked about the water rights mentioned on the same page. C. Albert said that the lake has a certain elevation, they are showing the states' required elevation on the shore.

S. Bogert clarified that any actions taken here tonight will not infringe upon the deeds and was told no.

S. Saunders mentioned the granite bounds and asked if they would be incorporated into the future landscaping. C. Albert said they certainly could be as they have historic value and that he would like to see that done.

R. Maheu said that at the last meeting a lot of time was spent on the parking situation, and abutters had concerns. C. Albert said it is still stacked parking but they are providing 2 spots for each unit. S. Bogert said that is equivalent to a single wide drive which exists throughout the city. R. Maheu was still not comfortable with this.

M. Foote brought up the shoreline protection act and asked if they have gone to the state yet. C. Albert said no, but that he has done the figures. The process is expensive so they did this first. He said he knows this works from a design standpoint, as the engineering has been done. After this approval is granted they will send that out.

S. Perley said from a visual perspective, she doesn't see how this is only 194 SF more coverage and C. Albert said if you look at the building footprint they have reduced impervious coverage. The patios will be pervious, and all walkways will be pervious.

S. Perley said she still feels that an independent engineering review would make her more comfortable and there is a lot going on here and its so close to the water. C. Albert said between this review, the state, and the TRC and planning board reviews, lots of people will be looking at this.

Public: Stephanie Drake, 65 Belvidere Street, said she has lived here for 39 years. She said she objects to this because of adding the additional units. Some of the parking issues seem to be resolved, but most people won't have 2 boats. They might rent one out, and if they did, where would they park. This will obstruct her view of the lake. The only condos in the area are the Washington Street School. These are beautiful old buildings, which add to the neighborhood. She said they mentioned trash and asked if there will be a dumpster.

She said she doesn't feel this is in keeping with the character of the neighborhood. She feels this is changing the character of the neighborhood.

Dave Gilbert, Belvidere Street. He said that he agrees with the previous speaker. He asked if there would be anything in the condo documents to prevent dock rentals, as he sees that happening. If you do change the rules for density, a lot of landlords like him might be happy with that, but he feels we should stick with the density that is there now. He said he feels if these were razed they could only fit 3 units onto this lot.

Ann McMillan, 53 Belvidere Street, said she has been here for only a year. The main reason she purchased was the view, the neighborhood, and the historic homes. These structures will look totally different, and will stand out like a sore thumb. These are all older homes here. There are no condos here. They are blocks away. She agrees with the parking and boat slips. How many bedrooms are there in these buildings? They are providing two parking spots per condo but if the owner has a child, they would drive, too. The boat slips will be an issue. The parking is going to be an issue down the road, friends will visit or come over to enjoy the boating and this will take charm away from the area.

S. Bogert pointed out this is no different from the parking at a single family home. They are actually over what is required by the ordinance. These are assigned to a specific unit. We don't have a regulation on whether the parking is side by side or one in front of the other. S. Saunders checked the ordinance.

Gary Drake, Belvidere Street, been there for 36 years. In the summer there are issues with people parking on the sidewalk. Kids have to walk in the street to get anywhere.

No one else spoke for or against the application so S. Bogert closed the hearing to the public.

Board Discussion:

S. Bogert questioned the 2 boat slips assigned to each unit; can the owners rent out the second dock space if they aren't using it and how would parking be handled if so. This was concerning to him.

W. Philpot said he just checked and said no outside rentals beyond the condominium. That would be made a condition of the condo documents. S. Bogert said no boat slip would be allowed to be rented outside of the condo. If the condo is rented, then the person renting would have use of the two docks and they could not sub-let. W. Philpot said this is tied to the unit, and they could not rent out the docks. Can be a condition of the board's approval. S. Bogert said we would rather make it part of the condo docs and not a directive.

G. Ober said she is confirming that there are two houses now, with 4 apartments and that no one in the apartments has deeded access to the current docks. W. Philpot said there is no deeded access, but that he is not sure if they use them now. G. Ober said what we have now is 2 cars per unit, but 12 other cars on the street due to the marina. This proposal would condense the number of cars that use the docks; everything is being brought on site. G. Ober said if this is granted there would be a reduction in the number of vehicles on the site. W. Philpot said this is a tradeoff. R. Maheu stated that with two boat slips, and possibly two boats, there would be lots of visitors though that would not have any place to park except on the street.

R. Maheu asked if the docks are being used now, as he doesn't recall seeing any boats out there last summer. W. Philpot said he is not sure if they are being used or not.

R. Maheu said we talked about the number of rooms in the units that are being designated as bedrooms and the number of rooms that could potentially be bedrooms.

C. Albert said there are 2 bedrooms to start off with, with the third bonus room conversion so there is the option of 3. R. Maheu said there is the potential of 3 cars. C. Albert said this would be the same as a 3 bedroom home, where the parking is only being required to have 1.5 spaces; they are providing two but every home is different with how many people reside in it. There could be a family with children that only has one car.

M. Foote said in reading through the variance information provided, the subject property is mixed use of apartments and active marina providing dockage for boat rentals for 12 boats, and the docs will provide for 6 units and boat moorings. He asked if there are moorings outside of the docks and W. Philpot said no, that is just the term that he used. He said there are no mooring balls there.

S. Bogert said that the rental issue has been handled with the addition to the condo docs and we will make it a condition of approval because board members could always change.

He said we discussed cars and boat slips, rentals and deeded questions answered.

S. Bogert asked if a unit owner could sell a dock to an outsider and O. Gibbs said if this is tied to the unit it could not be conveyed separate from the unit. It can only be owned by someone who owns a unit at the condominium.

R. Maheu said we talked about overflow parking the last time and was told there is no off site arrangement for additional parking. He said there is an open area on the opposite side of the road, where people may park illegally, and he saw a boat parked there once.

S. Bogert asked if the heritage commission has reviewed this and was told no - that is done at time a demo permit is requested.

S. Saunders said they could only delay the demolition, not stop it and the City Council would have to make the final decision for a lengthy delay.

S. Bogert asked about trash and C. Albert said it is standard city pick up. There will be no dumpster.

S. Perley said that the proposed architecture is not in keeping with the neighborhood, and she feels that is questionable. She was told that the variance is based on density, and she said we just dealt with that issue on a previous application and turned it down. She asked what is the hardship here.

W. Philpot asked if Baldwin Street was asking for multiple variances and was told no, just for the one. W. Philpot said the hardship is the aspect of the use of the property. This is pre-existing non-conforming use. The 12 docks could not be approved today, nor the number of units. This is a unique property; waterfront and mixed use. He said that the hardship is that it could continue on in its current fashion. The two units would be a trade off with the existing conditions.

R. Maheu asked if they would build a 4 unit structure, would they have to come before the board? He was told they would not have to by S. Saunders, but W. Philpot cautioned that they would not have the controls they are now offering.

M. Foote said that when looking at this, in reality it is a 3 story building. The proposal is more than the 1910 cottage that currently exists.

G. Ober asked about the height and was told that it meets the 35' height requirement, with the elevation change.

M. Foote questioned the front elevation, as the front shows 35', and the rear shows 35' to the top of the level, so the water elevation would be 35' plus lower level, which is about 10'. S. Perley asked how that works, and S. Saunders explained that it is the average height across the grade. C. Albert said the street height is 35', and S. Saunders said they are looking at density and the Special Exception so Planning would work out the details on height.

R. Maheu said he feels this is the same issue as we recently had on Leighton Avenue.

C. Albert said these are 1910 structures. He said there are cracked blocks in the back of the foundation, and at some point they will become a tear down. These new structures will be up to code. Bringing the old buildings up to code would be an exorbitant cost.

Board Discussion:

S. Saunders said if these are legal units, and we'll have to ask them to prove that, they could keep the 4. S. Bogert said if they grant the Special Exception, then they could have the multi-family use. S. Saunders said they don't currently have multi-family use; there are two duplexes. S. Bogert said they could have 2 on one lot, 2 on the other. If they merge the lots, then there is no grandfathering. S. Saunders we are unsure on the grandfathering. We would have to ask legal counsel. S. Bogert said if it is taken down there is no grandfathering, especially if they are merging the lots. They could merge the lots without any board approvals. S. Bogert asked if they merge the units that would be multi-family use and S. Saunders said no, it is the units in the structure. They could have the two duplexes.

SPECIAL EXCEPTION DISCUSSION:

The use is specifically authorized in the chapter if this is granted. The board felt that they meet this requirement if going from 4 to 6 units.

The requested use will not create undue traffic congestion or unduly impair pedestrian safety. There are two boat slips for each condo. The condo unit owner use one, rent the other out, but we were told they would put into the condo docs that they could not be rented out. They would be used by owners only. S. Bogert said anyone that has a visitor might have a parking issue but that issue already exists for 90% of Laconia. They park in the street now.

The requested use will not overload any public water, drainage or sewer system or other municipal systems, not will there be any significant increase in stormwater runoff onto the adjacent property or streets. They have to meet the requirements for storm protection and indicated how they would be handling that.

The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services. The proposal use probably won't add to demand for fire or police. M. Foote said with two more units that would be added waste and S. Bogert said it is less than an apartment would generate and would be similar to a single family home.

Any special provisions for the use as set forth in this chapter are fulfilled. S. Bogert asked if the marina requires any special provisions and was told that is existing and they are getting rid of that use.

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. It was determined that there will be no hazards to health, safety or welfare of the public. O. Gibbs said that the use of multi-family is not out of keeping with the neighborhood but feels the condo use is.

S. Bogert said that he agrees that the multi-family use is not out of keeping, but the new structure, with so much density in such a small area is. O. Gibbs said if the buildings retained the old character, it wouldn't be out of keeping, but the brand new structure, squeezing in so many units would be.

M. Foote said that most of the original structures burned and that character changes as time advances. S. Bogert said if he wanted to keep as is, torn down and built a gothic building, which is up code, they could create an ugly building but something that fits the architecture, so at what point does this create an issue.

S. Saunders said there are certain architectural standards that must be met. R. Maheu asked if we have the right to tell them what type of building to put up and was told no. G. Ober said doesn't feel the use is out of character.

S. Bogert said the docks are reducing from marina to home owner use.

The proposed location is appropriate for the requested use. It was determined that the location is appropriate for the multi-family use.

The requested use is consistent with the spirit and intent of this chapter and the Master Plan. M. Foote said the use is reasonable and consistent with the spirit of the chapter.

S. Bogert said they covered all of the criteria for the Special Exception and, according to their discussion, this meets all of them.

Motion: S. Bogert moved to approve Application # 2015-0042 for the Special Exception to permit the use of the multi-family structures. M. Foote seconded it and all voted in favor of approval, 5-0.

VARIANCE CRITERIA:

G. Ober said they are only adding 194 SF, and she doesn't feel that is bad. M. Foote said the structures are 3 stories high and he feels that makes a difference. He feels we need to look at this as more than the footprint on the property. S. Bogert said they are increasing the density by half. R. Maheu asked about the height - will it block views, and O. Gibbs said it doesn't make a difference unless they have a deeded view easement. They can build a 35' high building.

S. Bogert asked if this meets the hardship criteria. M. Foote said he feels there is not a hardship as the applicant is just trying to make as much as possible financially in building the project and he doesn't feel it meets the hardship criteria of special conditions of the lot.

R. Maheu said he feels there is a hardship, as the current buildings have outlived their usefulness. He said buildings can be re-habbed and put to good use but these are two smaller apartments, which haven't been rented in some time. To put money into rehabbing buildings that can't be used is a waste. The new buildings would be a better use for the city.

S. Bogert said the current density requires 6 units per acre, so this doubles that. O. Gibbs said that the applicant said the docks create a hardship, as it competes with the rental use, so if this were condominimized that takes care of the two separate uses.

R. Maheu said he doesn't feel the justification is there. M. Foote said if there were 4 units they would not be increasing the density from what is there. They could still make these condos and control the access to the docks. These are linear boat slips. They might have room on the docks for larger boats as well as jet skis, and other water craft. The units would be updated, and they would have control over the boats. S. Perley said we can't make the docks the justification for this approval.

S. Bogert said that they docks are currently a commercial venture, and the neighbors aren't happy over that. M. Foote said they could have 4 very nice units, which is already over what is permitted.

S. Perley said that everyone that spoke this evening was against this so she doesn't feel this meets the public interest.

S. Bogert said he doesn't feel that the spirit of the ordinance is observed in granting this variance as this is a 50% increase in the density and there are too many questions open.

He said he doesn't feel that substantial justice is done in granting the variance as no hardship has been proven.

There was no information provided on the diminution of the value of the surrounding properties.

S. Bogert said he doesn't feel the spirit of the chapter is being followed by permitting the increase in the density. There is no hardship here.

Motion: S. Bogert moved to deny the 6 unit density based on the hardship criteria and the spirit of the chapter, as well as public interest.

O. Gibbs seconded.

M. Foote clarified that an affirmative is to deny the application and was told yes.

The vote was 5-0, so the application was denied.

The hearing was over at 9:05 and the board took a 5 minute recess.

S. Bogert called the meeting back to order at 9 pm and let public know that we don't open anything new after 10 pm. The remaining hearings would be continued until the next meeting.

Application # 2016-0002

MSL 455-54-23

C Zone

Belknap House

200 Court St

Special Exception

The applicant is requesting a special exception from 235-26, Table of Permitted Uses, in order to obtain the use of a boarding/rooming/lodging house/hostel as well as the use of emergency shelter/housing.

Applicant: Pat Wood appeared to represent Belknap House. They are proposing to utilize the existing building at 200 Court Street with the configuration to remain the same. They will be using both the Court and Pearl Street entrances. There are sidewalks on both sides. They want to use this for emergency shelter and housing, 5-6 families at a time, for limited stays, Oct through May, and then May thru October provide a hostel for people coming to the community for recreational use.

We need emergency housing for families in the community and that need is not currently being met. The hostel, in the summer for the commercial venture, would provide funds to have the shelter in the winter. This would provide the housing, and provide the funding. This is a unique approach, and they feel it would be successful.

They need the Special Exception for the use. In the Commercial district the use of the boarding/lodging house is permitted so the hostel would be covered. The emergency shelter would be covered under the Special Exception if the criteria are met.

The use is authorized in the chapter with the granting of the Special Exception. The hostel is permitted now but both are permitted if they meet the other conditions.

This use should not create undue traffic congestion or unduly impair pedestrian safety as there are sidewalks on both Court and Pearl Streets. There is pedestrian access to the property. The prior commercial uses used the Court Street entrance as the main entrance and they would probably continue that. Pearl Street would be used for employees. There are no unusual traffic or pedestrian issues.

There should be no issues with public water, drainage, sewer system, or any increase in stormwater runoff. The building and the site are not changing. Water, sewer, and drainage exists now and they are not changing those, and there should be no changes in the storm water run-off on the property.

There should be no excessive demand for police, fire, schools or solid waste. They will handle the solid waste with an emphasis on recycling, so that should remain the same. Both of the uses would require the building to be sprinkled, which will be done prior to occupancy, so there should be no issues with fire.

The emergency shelter will provide assistance to families, so they would be working with the police department. They won't be creating a demand for the service, and would be helping that demand by providing this use.

There are no special conditions that need to be met.

The use will create no hazards to health, safety, or general welfare of the public nor be out of character with the adjacent neighborhood. The proposed use won't create any hazards to traffic, as this is on a bus route. Any kids would be picked up and taken to the appropriate school. There are other multi-family structures in the area, and a hotel down the street. The St Francis home is located nearby so there are some fairly intense uses in the general area.

They will be providing family assistance, and limiting the stays of the families. This is to help them in their emergency, get them secure housing, get them on their way and into permanent setting. This is not for individuals, and is limited to families.

The proposed location is appropriate. This is close to downtown, close to the river walk, the WOW trail, sidewalks for easy pedestrian access, close to Memorial Field and to sledding. They can use Fair Street to access the river. There is no impact to the neighbors due to the existing vegetation.

The requested use is consistent with the spirit and intent of the chapter and of the Master Plan. We have increasing transient populations, and are trying to find them decent housing. The hostel concept is in keeping with the tourist industry for this area and this will help to provide the resources for the Belknap House.

There is a Temple next door, and residential houses on the south and southwest. The aerial shows vegetation surrounding the property to west and south, which provides a buffer.

Board: S. Bogert asked about the families that would be housed; are these Laconia residents only and was told this is for Belknap County residents.

Len Campbell said this is based on a model they have at the Seacoast. This will serve Belknap County. The applicant goes through welfare, and is tied back to the city where they live. If, for example, a family comes from Alton, that director calls the house to see if there is space available. They are then accepted and they act as the case worker based on Alton's recommendation. There is a 3 week turnover, where they find alternative housing. The Alton welfare director sets what they want, and the children would continue to attend school in Alton. They keep ties to Alton.

R. Maheu asked about federal funds and was told there are none to tie the hands of Belknap House. They are not predicting any federal funds right now. They are purposely staying away from that so don't have to follow federal guidelines.

R. Maheu asked if there will be a permanent supervisor living there and was told that whenever there is a family on site, someone would be there. In summer, there would be someone in residence if there is a visitor.

G. Ober clarified that they will use the hostel funds to fund the emergency housing and was told yes. On October 1 the hostel shuts down. That is run like they are occupants of a hotel or motel.

S. Bogert read a hostel definition that he was able to find. He said that currently there is a boarding house in town that creates some undue issues; how is this going to be handled. L. Campbell said they are going to advertise nationally, as we want people to visit the city. If a "bad" person comes in, they can have them leave, just as at a hotel.

S. Bogert said his biggest concern is the hostel use. L. Campbell said this is operating like a hotel, and they are doing the best they can to provide an environment for someone coming to enjoy the city to have a bed. Someone will be there to monitor them.

L. Campbell said they can serve up to 19 people at one time, and can move beds around as needed. R. Maheu asked how they eat and was told that the kitchen will have work stations. The families will have responsibilities, and will prepare their own food. They will schedule different meal times for the families.

R. Maheu said that being a boarding house implies that you provide the meals and L. Campbell said this is not a boarding house, and they are not providing any meals.

P. Wood said that boarding house was the closest use, as we have no hostel definition. G. Ober asked how many parking spaces there currently are and L. Campbell said he thinks 11 on Court Street and 2 in the back. P. Wood verified that there are 12 on Court Street, and 3 on Pearl Street.

M. Foote asked if people in the hostel pay state room/board tax and P. Wood said that the hostel does. M. Foote asked what the purpose of only doing that in summer is and L. Campbell said they want to use this in the off season. They want to use the space year round, while servicing the families who are in need in the winter time. M. Foote clarified that they will be utilizing the same space and was told yes, just different uses during different times of the year.

R. Maheu asked if there aren't families in need year round and L. Campbell said that in the summer families can find space. They don't want to be a year round shelter. He said they are working with welfare directors, and found that they have a lot more options in the summer. Campgrounds open up, for example.

P. Wood said they determined this based upon the knowledge of working with these directors over the years. They are familiar with the directors and what their needs are. This idea has been percolating for some time, as the need has been identified.

This will be used by Belknap County residents, under the direction of their town's welfare director, so they are not adding to the city's welfare burden. The hostel is a room by the night, day, or week. It was asked if they can rent for a month and L. Campbell said this is usually short term use. They haven't done that yet and the staff members will be checking them out as they come in.

S. Saunders asked if they will allow alcohol on site and was told no. G. Ober asked how can you stop someone using the hostel from bringing something in and was told that same issue can occur at any hotel. L. Campbell said they will have quiet hours so people can relax.

M. Foote asked about the services to help place/transition the families in need to more suitable housing. He asked if any other services are being offered, like counseling. He was told they would be referred to counseling, they would be sent to mentors, they will be offering financial reviews, things like that.

R. Maheu said they are saying this doesn't tax city services, but what about police and P. Wood said they will be aiding the police. R. Maheu said what if a family is breaking up and was told the welfare directors check out the families and send to the appropriate places providing a nurturing atmosphere.

Public: Pam Prescott, 13 Pearl Street. She has lived here for 30 years. She stated that she is sympathetic and understands the need for this but has a lot of concerns with the use of the site. When Life Plus bought this property the drive in the rear went in. There was never one there before that time. A boundary line was moved, and she filed a complaint with the city. She said there is still an outstanding boundary issue on this land.

She mentioned the screening and said that 20 years ago she planted fir trees for a visual barrier and as a wind screen. She has lived there for 30 years and she left for 3 years. During that time someone cut all the branches off up to about 12 feet so there is no visual barrier. There is no fencing.

This was built as a single family house, on under half an acre lot. They stated there will be up to 19 people living there - several families. This is now a very quiet residential area. There has never been anyone there at night. This has always been an office, where people leave at 5 pm. If this is a hostel, she envisions the site becoming busy and noisy. With only .40 acres she questions how many people could safely be accommodated.

She wonders about the density and the numbers of occupants. What about the hours of operation for the hostel; how many people would they rent to? How does that fit into the neighborhood? The traffic on Court Street is brisk. There are no lights. This would increase the activity, and with no traffic lights, she feels that should be looked at.

The increased activity in the summer with the tourists would be an issue. Her lot would be changed, and the nature of the neighborhood would change. S. Perley asked her to show the board on the map where her house is located and she pointed it out.

She said this building is not ADA compliant and they mentioned using the rear of the building for that. She said the rear of the building would not be optimal to be used in the winter for someone having to use the ADA entrance. She feels the summer use, as a hostel, would be a problem for the neighbors. This is a commercial lot but in 30 years it has not been used for anything like this. She said the board should look at the boundary issue, the fencing, ask for lighting for security, and how would people in crisis be dealt with.

S. Saunders told Ms. Prescott that she would have to take care of the boundary line issues. M. Foote asked if she has a survey, and she said no, just the original plan with property lines.

P. Prescott said the City should think about traffic lights in this area of Court Street. She said she is concerned with the density as this is only .40 acres, and she is not sure if having a hostel or homeless shelter changes that. S. Bogert said there is no density for that or with the emergency shelter use either.

S. Saunders said the number of rooms is based on the parking spaces. Fire gave them the number. G. Ober asked if we got a survey and do we need one for this. S. Bogert asked about the boundary line issue and she said filed a complaint with the city. She was told they would keep it on file until she got a survey done. She said she has never done that, and now they cut the trees. S. Bogert asked if a boundary line dispute would affect this and S. Saunders said they would look at boundary lines at the planning board. S. Bogert said their main purpose tonight is the use.

P. Prescott said she is not objecting for the homeless shelter as long as this is well organized, well supervised, and in the best interest of all involved. They are asking for all kinds of uses here. They are asking for a change of use for hostel and for the emergency shelter use. S. Saunders told her that the uses can stand alone. The hostel would be under hotel but the emergency shelter is under residential use and is subject to the density. O. Gibbs asked how we determine that.

S. Saunders asked if that is applicable to the use; do we need to finalize that before the board makes the determination and S. Bogert said a variance might be required if density is an issue. S. Bogert said the structure is now commercial, and they are changing to residential. M. Foote said a commercial residential use (hotel) and S. Bogert said that isn't the issue. The emergency shelter is; that is the residential side, and that has density requirements.

S. Saunders said density is defined as a dwelling unit and that is not what this is.

P. Prescott said she feels that the proposed use far exceeds the property and the use in the summer. There has always been a professional use here so this is a drastic change. How late will they remain open and what happens if police are needed. Hostels usually attract younger people with little money. In the summer she feels this be a spot of intense activity.

No one else spoke for or against the proposal.

Pat Wood said the plan they presented was established in 1989. She has had plenty of time to have taken care of any boundary line issues.

This isn't transitional housing. This is taking somebody who is in need of shelter, giving them temporary shelter, while their welfare director finds them housing. This is not transitional housing, this is shelter, and the distinction needs to be understood.

This will be made ADA compliant. The area is shown on the site plan. There are 3 parking spaces in the rear. These are not "units", as such, these are places to sleep but with a common kitchen, and meeting rooms.

The hours of operation are not specified. This is to be utilized for a family situation in the winter. As a hostel, there will be a lights out time and no one can enter after that.

M. Foote asked if they were amenable to putting up a fence to provide a buffer and P. Wood said they need to be able to take care of snow removal but something can be done, such as planting bushes for a visual screen. M, Foote said to change his suggestion to visual screen. L. Campbell said they are going to be good neighbors.

S. Bogert closed the hearing to the public at 10:25.

Board: S. Bogert said he has no problem with this, there could be a lot of other uses that could be a lot more intense. This is a commercial building.

He mentioned again that this is only to be used by Belknap County residents, and that the town of domicile will be working with their welfare directors and Laconia won't bear their financial responsibilities. This is a county project, not Laconia.

Motion: SP: moved to approve, using their verbage and adding comments made by the chair as additional conditions of approval. Those are for the visual barrier, use by Belknap County residents, and the town of domicile will make the referral and be responsible for any associated costs. They cannot claim residency in Laconia.

1. The use requested is specifically authorized in this chapter.

As noted above, "Boarding/rooming/lodging house" and "Emergency shelter/housing" are uses that are permitted by Special Exception in the Commercial Zone. "Shelter/Emergency" is a use that is permitted in the Commercial Zone as an accessory use. Table 1, Residential-Special Service, and Table 1 – Residential, Accessory Uses. § 235-26. **Uses permitted by special exception.** The uses requested are specifically authorized under the Laconia Zoning Ordinance.

2. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

There is a sidewalk on both the Court Street side and the Pearl Street side of the property. There are driveway entrances on both Court Street and Pearl Street. Court Street, US Route 3, Business, is the principal road entering Laconia from the west and is primarily a commercial artery. The nature of the proposed uses is such that entering and exiting the site will generally occur in the morning and late afternoon. The property is within easy walking distance of Downtown and the Winnepesaukee River, and soon both the WOW Trail and the Riverwalk. There are clearly marked crosswalks across Court Street. The property is also on the school bus routes. The uses should not create any unusual traffic or pedestrian activity that would create traffic congestion or impair pedestrian safety.

3. 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 uses will not require any upgrading of the public water, drainage, or sewer systems servicing the property. There will be no change to the existing stormwater runoff.

4. The requested use will not create excessive demand for municipal police, fire protection, schools or solid waste disposal services.

The nature of the uses requires the building to be equipped with a sprinkler system and to have the appropriate connections to the Laconia Fire Department. The emergency shelter use of the building will provide a resource for families in dire situations and will often be done with the advice and assistance of the Police Department. The limited number of families served and the limited time of their stays will not have an impact on the school system. The solid waste disposal will be provided with an emphasis on the benefits of recycling.

5. Any special provisions for the use as set forth in this chapter are fulfilled.

There are no special provisions for these proposed uses set forth in the Laconia Zoning Ordinance.

6. 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.

There is a hotel just a few blocks away. In addition, until recently, there was another property in the

neighborhood that was used for rooming purposes. There are a number of multi-family buildings in the general vicinity of the property. The use of the property for temporary residential purposes by families will not be out of character in the neighborhood. Similarly, the use of the property as a hostel will provide an interesting addition to the neighborhood and should increase pedestrian activity which should benefit local businesses.

7. The proposed location is appropriate for the requested use.

Being a corner lot with access from both Court Street and Pearl Street will allow both residents and staff reasonable, yet separate, means of access and egress from the property. The building will also be modified to accommodate people with disabilities. The building has a large wrap-around porch that will be an additional draw for the hostel and will also be an amenity for the families. The location is readily accessible for emergency vehicles and is on the school bus routes. The general focus of the building and the uses will be toward Court Street. The area between the building and the Temple is fairly heavily vegetated. Similarly, the area between this property and the abutting property on Pearl Street is also vegetated. The property will provide both privacy for the residents and buffering for the abutters.

8. The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

The Laconia Master Plan, page 53, notes the “evidence of an emerging homeless population in Laconia.” There is also a recognition, page 8, that “Laconia is experiencing an increasingly transient population.” Some of this transient population consists of “families living in rental cottages during the off-season.” The Master Plan, page 30, also recognizes the importance of the tourism industry and the need to bolster that industry, which is one of largest employers in Belknap County, Table, page 32. The Commercial Zoning District is “intended to provide an area for those commercial or restricted industrial facilities with an attraction and customer service area which goes beyond the immediate neighborhood.”

The proposed uses will help address the concerns noted concerning the transient family populations. These families are not only from the immediate neighborhood but throughout the community. Similarly, the hostel will draw tourists from many different locations. These uses are consistent with the spirit and intent of both the Master Plan and the Zoning Ordinance.

O. Gibbs seconded, and the vote was 4-1 in favor. R. Maheu voted against.

The remainder of the hearings were moved to the next meeting.

Application # 2016-0004	MSL # 329-168-49	RG Zone
Melhem Hachem	134 North Street	Variance

The applicant is requesting a variance from 235-35 (B), side setbacks, in order to erect a garage which would infringe approximately 2’ into the side setback, in a zone where the setback is 10’.

NEW HEARINGS:

Application # 2016-0005	MSL # 241-248-12	CR Zone
Ship Ahoy Association	301 Weirs Blvd	Waiver

The applicant is requesting a waiver of the previously imposed conditions, which was set on July 23, 1980 by the ZBA.

Application # 2016-0006	MSL # 139-46-87	SFR Zone
Flanagan	24 Allen Avenue	Variance

The applicant is requesting a variance from 235-35 (B), side setback, in order to construct a roof dormer in order to provide increase the stairway height. The expansion will be up and will not encroach any further into the existing setback, which is approximately 2’.

The applicant for 24 Allen Avenue asked to address the board. He asked if he can begin the proposal without the variance. S. Saunders said that Code will give him a waiver, and the dormer would be done later. S. Saunders explained the situation to the board. They had no problems with him beginning the project with the understanding that if the dormer is not approved, he cannot do that portion.

OLD BUSINESS:

NEW BUSINESS: S. Saunders explained what is going on with both she and Kristine Snow leaving. She said that the advertising for her job closes this Friday but they are not hiring for Kris's position until after the new planning director is hired.

Either Diane Wood or Kalena Graham will do the minutes. They have an RFP out for a plan reviewer, who will make sure ZBA packets are complete, all of the information is there, the questions are answered, etc. They will come to the meeting for interpretation of code. Another option would be that whoever does the minutes could ask legal counsel to come and sit through a meeting if there are a lot of questions. Call Kalena and have her set it up.

S. Perley suggested the board members let S. Bogert know and he can handle issues as the liaison.

ADJOURNMENT: S. Perley moved to adjourn, with the second by M. Foote. All voted in favor, 5-0, and the meeting adjourned at 10:40 pm.

Respectfully Submitted:

Kristine Y Snow
Recording Secretary