

City of Laconia
Zoning Board of Adjustment
Wednesday, January, 18, 2023 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber
Draft of Minutes

1/18/2023 - Minutes

1. CALL TO ORDER

Call to order 6:32 p.m.

2. ROLL CALL

Richard Boddie, Roland Maheu, Mike DellaVecchia, vice chair acting as chair, Mike Foote, Marcia Hayward

3. RECORDING SECRETARY

3.I. Recording Secretary

Sheena Duncan, Zoning / Conservation Technician / Scott Pelchat, Zoning technician

4. STAFF IN ATTENDANCE

4.I. Staff In Attendance

Dean Trefethen, Director of Planning and Development

Sheena Duncan Planning technician

Scott Pelchat Planning technician

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Draft Minutes

Marcia Hayward made the motion to approve the minutes

The minutes were seconded by Mike DellaVecchia All approve- 5/0, motion passed.

6. EXTENSIONS

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

Time.

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

8.1. ZO2022-0096VAR 28 Veterans Ave

Laurie Robinson – Stated her intentions to subdivide the lot, family members did not want more easements on this property. Laurie stated she had spoken with NHDES as well as Gilford Well regarding installing the well safely.

Marcia Hayward and Dean Trefethen spoke briefly with each other regarding the well itself the lot size and frontage.

Richard Bodie joined Laurie Robinson at the podium to show a survey plan from august 2022 to Laurie regarding area identification.

Mike DellaVecchia asked about adding additional water and sewer lines. it was stated subdivisions need their own water and sewer.

Mike Foote asked about getting water from DW Highway spoke of tying in to existing water lines for usage, questioned why usage could not be obtained as well as lot usage and, and setback for the well and was stated that the well was setback 51 feet from Endicott N.

Opened to the public *** 6:51pm

Abutters at 28 Veterans Ave. spoke about having water and sewer at their lot.

Closed to the Public 6:54pm

Dean Trefethen stated variance was on lot size and frontage, Mike DellaVecchia asked about acreage size and what it would take to make this happen.

Richard Boddie asked if this was a state road or not.

Dean Trefethen stated The well needs to be 50 feet from the tree on Endicott St N , As well the 75 foot setback is for septic and there is septic available in the area.

Mike Foote asked if adjacent lot would need a well. Mike Foote motioned to approve variance. Based on the following

1.Granted the variance would not be contrary to the public interest because: *Due to the unusual circumstances limiting access to available sources of municipal water (Substantiated*

By Ben Crawford- Laconia Water Dpt.) A private well will not impede use by surrounding neighbors or have other discernable negative impacts.

2.If the variance were granted, the spirit of the ordinance would be observed because: *A combination of circumstances has made obtaining municipal water unduly difficult. The applicant has provided a professional opinion (letter from Norm Harris, Gilford Well Co.) that a well can be safely accommodated on the proposed lot per NHDES standards.*

3.Granted the variance would do substantial justice because: *It would allow continuing development in this area, where it would otherwise be impossible due to extenuating circumstances.*

4.If the variance were granted: *The values of the surrounding property values, and is in keeping with existing uses in the area.*

235-32 as well as 235-34 Marcia seconded and it was unanimously approved.

Mike DellaVechia Added to the motion to limit the access to the lot via veterans Ave only this was seconded by Marcia Hayward. and it was voted unanimously.

8.II. ZO2022-0098VAR White Oaks Road

Thomas E Cantin – Spoke about the variance for a Detached garage on Story Tyler Shore Rd.

Tom was joined at the podium by Mr. Turpin AIA. Tom also stated the usage of the lot is a family used

and the purpose of the garage is for storage of items and not as a dwelling.

Mr. Turpin spoke regarding the brook, slope and wetland all prove a problem for the construction. The drawing shows the most restrictive point possible. Actual conditions may prove to be less intrusive in design keeping with existing structure.

Tom Cantin – stated he wanted to keep a private feel to the area did not want to invade surrounding forest.

Mike DellaVechia- asked of neighbor's support, a support letter from Eddie Cantin and Mary lu Cantin is on file.

Mike Foote inquired on the how much of the building is in the setback. Tom stated about half.

Richard Boddie- Inquired on how long ago the subdivision was done. Tom stated about twenty years ago. Mr. Boddie asked if ever sold the garage is on the line. Tom stated as much as ten feet.

Open to public comment at 7:20pm.

Closed to public comment at 7:21pm.

Richard Boddie-asked if there were any other area with structures in setback.

Mike Foote- stated these lands might not always be owned by this family.

Richard Boddie- said if the City starts now (in regards to setbacks), what happens in the future. Also, he is more in favor of of keeping set back rules in place.

Mike DellaVechia- Garage fit best here , suggested lot line adjustment.

Roland Maheu- stated this area was of rapid growth in the area.

Mike DelleVechia-stated garages in this area near road. not opposed to granting variance

Mike Foote-asked if there was going to be a living area above the garage. Tom stated there was no plans for that to happen, and the nature of the garage was storage based only.

Dean Trefethen-one purpose of setbacks was to control density. On future possible sale perspective buyer to decide if building was to close.

Marcia Hayward – Motioned to approve variance 235-35B Based on the following.

1.Granted the variance would not be contrary to the public interest because: *Granting the proposed variance would permit the design and location of a reasonably configured residential accessory structure that is in keeping with typical structures and uses that occur along Story Tyler Shore Road, as well as in the rural residential zone in other areas of the city. The new detached garage- in the location proposed- will allow a reasonable use of the limited available areas of the property.*

2.If the variance were granted, the spirit of the ordinance would be observed because: *Residential accessory structures and uses are specifically provided for in the Ordinance so that*

Landowners can reasonably achieve the highest and best use of their properties. The proposed detached garage is a common accessory element in the Rural Residential zone and will provide the applicant a safe and secure location for storage of items and materials that may otherwise be outside and in-view of the neighbors. The character of the Story Tyler Shore Road community will be maintained and possibly enhanced with the proposed structure. Granting the proposed variance will not conflict with the purpose of ordinance.

3.Granted the variance would do substantial justice because: *Granting the proposed variance will allow the applicant to make a reasonable use of the limited available areas of the property for development. The proposed location and configuration of the new accessory garage will not harm the abutters, and the general public would not realize any appreciable gain from denial of the variance. The neighborhood will see a structure that is compatible with the existing structures on the property and will enhance the already unique characteristics of the Story Tyler shore Road neighborhood.*

4.If the variance were granted, the values of the surrounding properties would not be diminished because: *The values of neighboring properties are generally enhanced by the improvement of properties and structures. It is anticipated that with the proposed new accessory garage, the neighboring properties would- at a minimum-maintain their values: and, possibly, have their values enhanced.*

5.Unnecesssary Hardship:

a. Owing to special conditions of the property that distinguish it from the other properties in the area, denial of the variance would result in unnecessary hardship because: *The northerly portion of the existing subject property contains areas of wetlands, as well as a small brook that runs through to the adjacent easterly property and feeds lake Winnisquam. Due to these natural conditions, along with their designated zoning wetlands buffers, more than half of the overall property is deemed unbuildable. In addition , the narrow footprint of the southerly portion of the property(toward Lake Winnisquam), along with the designated zoning side setbacks and state shoreland setback, further reduce available buildable area on that portion of the property. Given the special natural conditions of the property, as well as the imposed zoning buffer and setback requirements, the proposed location for the accessory garage is in an area that is outside of the designated wetlands buffer , while maintaining separation from the other structures on the property as required by city mandates. Unlike other undisturbed areas of the property, this location is generally flat ,so that minimal disturbance of topography and other natural features can be achieved. Considering the conditions described above, the applicant believes the proposed location for the accessory garage is the best available location for this structure.*

Richard Boddie seconded the motion.

And it was unanimously approved. 7:25pm

8.III. ZO2022-0097VAR 315 Story Tyler Shore Rd

White Oaks REI, LLC

John Cronin -representing the owner Peter Grenier, he spoke regarding the setback variances regarding density and multifamily use, plus the 2 setbacks. Also noting that the lot abuts the CR zone (commercial resort) and is set in both the RR1 and RR2 dist. As well as describing the proposed developments and its impacts on traffic. spoke about rentals over purchasing and what that would look like. Mr. Cronin had attorney letters stating that there would be no negative impact on surrounding home values. John distributed the copy of letters to the board.

Marcia Hayward- Inquired on the rent price point as well as the sales price point. Mr. Cronin replied sale price would be 400 thousand to 500 thousand and for renting it would be in the low 2000 range.

Roland Maheu-asked about rules about number of apartments. Mr. Cronin stated 29 proposed.

Marcia Hayward- asked if they would be the first to do a multifamily project in the RR1 zone And it would be.

Mike Foote-spoke on setbacks in that area also that end units are more desirable.

Open to public comment at 7:42pm

Jenna Holley 61 White Oaks Road -spoke about possible higher rents due to building. she is also concerned with view being blocked by the building.

Susan McCarthy 30 White Oaks Road – asked to view plans for construction curious of setbacks.

Winston Sullivan 91 White Oaks Road- inquired on completion of build and advised timeline is a year to a year and a half.

Susan Roger 30 White Oaks Road- asked about possible impact on traffic at intersection of White Oaks Rd and Weirs Blvd.

Closed to public comment at 7:52pm

Marcia Hayward read a letter from one of the abutters at 71Weirs Blvd. It stated the writer was opposed to the construction as it would affect their property and would have a negative impact.

Mike Foote read a letter from the Denver's at 71 Weirs Blvd. They expressed their strong opposition to this construction.

Mike DellaVechia – asked Dean Trefethen a question on the density of the property regarding any difference between RR1 and RR2.

Richard Boddie- Mentioned the two Zones asked about density as well. Dean Trefethen stated density is the same for both zones RR1 and RR2. Stated RR2 most exclusive zone in the city.

Mike Foote stated rights to views are not a given right unless you have paid for the view itself. the willingness to work with the city on this project was appreciated. Stated That there are over 400 builds in ward one and stated rent and or sell it is not in the city's scope to manage this.

Marcia Hayward noted the City's need for middle income housing, and her concern about disregarding the zoning requirements for tax dollars.

Mike Foote spoke about the build in the south end of town which as stated would allow housing.

Geared toward a 2200 rental price could be affordable for two professionals.

Mike DellaVecchia-said Laconia needs housing 29 units on five acres is ok to accept.

Richard Boddie concerned on the 75 ft buffer also a buffer for the neighbors asked about the rental status.

Mike D asked if zones were to be changed Dean Trefethen said it would not be.

Roland stated that Wes Anderson's suggestion of keeping the 75-foot setback is good in his opinion.

In hearing that , Dean Trefethen commented on the affordable housing and spoke on road construction.

Also touched on reduced pricing of units that would be a planning board decision.

Mr. Cronin spoke that adjusting pricing would be burdensome. However they might be able to offer a couple units at pricing geared towards City employees. also stated buffers and screening would be used to prevent any runoff or .

Mike Foote – Inquired if the vision and usage of the property would be under the umbrella of an association or a management company? Mr. Cronin said it would need to be managed to some extent after the sale of the units . if the units were rented , they might not need as much management and could be overseen by a company as such.

Mike Foote asked on total units Mr. Cronin withdrew the encroachment wants 29 as the number of units.

Mike Foote asked which variance numbers than motioned to approve the variances. Because.

1. Granting the variance would not be contrary to the public interest because : *We will keep the remaining setbacks from rr2 on White Oaks Rd. Also allowing for development in this area.*

2. If the variance were granted, the spirit of the ordinance would be observed because: *We will be providing residential housing in a community that begs for it. Will have water and sewer as to not burden community resources.*

3. Granting the variance would do substantial justice because: *Because we are able to provide housing in a growing area.*

4. If the variance were granted, the values of the surrounding properties would not be diminished because : *There would need a full property study for full understanding of impacted area – no evidence to the contrary was presented.*

5. Unnecessary hardship : *Because of the directly adjacent CR zone.*

a. Owing to special conditions of the property that distinguish it from other properties in the area,

denial of the variance would result in unnecessary hardship because. There is a similar type of development in abutting properties.

This was seconded by Roland Maheu and was granted 4to1.

Mike DellaVechia asked about any other business.

Dean Trefethen introduced Scott Pelchat to the board

10. ADJOURNMENT

Mike DellaVechia voted to adjourn , and it was adjourned unanimously at 823pm.