



City of Laconia
Zoning Board of Adjustment
TUESDAY, May 18, 2021 - 6:30 PM
City Hall in the Armand A. Bolduc Council Chamber

5/18/2021 - Minutes

1. CALL TO ORDER

S. Bogert read aloud the ZOOM meeting information.

S. Bogert called the meeting to order at 6:33 PM

2. ROLL CALL

Present: S. Bogert; M. Foote; R. Maheu; G. Ober; M. Dellavecchia (7:50 PM)

Alternates: M. Hayward (Zoom)

Alternate M. Hayward was seated as a voting member.

Absent: J. LaRoche

3. RECORDING SECRETARY

K. Santoro, Zoning Technician

4. STAFF IN ATTENDANCE

D. Trefethen, Director of Planning & Community Development

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. April 19, 2021 Zoning Board Of Adjustment Minutes (PDF)

G. Ober made a motion to accept the minutes of April 19, 2021 as presented.

R. Maheu seconded the motion.

Vote was taken by roll call. All in favor.

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.

7.I. ZO2021-0005VAR 57 Eastman Road Variance Application (PDF)

S. Bogert read aloud the request from the applicant to continue the application to the June 15, 2021 Zoning Board of Adjustment meeting.

G. Ober made a motion to continue the application to the June 15, 2021 meeting.

R. Maheu seconded the motion.

Vote was taken by roll call. All in favor.

7.II. ZO2021-0009SE 322 North Street Special Exception Application (PDF)

It was noted that this is an amended application for an attached ADU, not a detached ADU. All

abutters were re-noticed.

Applicant Sara McNeal outlined her application to the Board. She explained that she purchased a single family home that had an accessory apartment above the attached garage. After an inquiry on the property it was determined that the apartment was not properly permitted and not in compliance with the Zoning Ordinance. The applicant explained that Assessing had been to the house and had done a walkthrough. The living space in the accessory dwelling unit is 693 sf. (as measured by Assessing) and is a one bedroom unit.

At 6:48 PM S. Bogert opened the public hearing.

At 6:49 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

The Board briefly discussed the project.

G. Ober made a motion to approve ZO2021-0009SE 322 North Street Special Exception Application for a Special Exception Article VII Section 235-41(A) to allow the installation of an attached Accessory Dwelling Unit.

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

The use is authorized by Special Exception.

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

The use will not create any traffic congestion, nor will it impair pedestrian safety.

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 use will not have any municipal systems as it is serviced by a private well and septic system, there is no change to the building so there will be no change or increase in stormwater runoff.

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

The use will not create excessive demand for municipal services; it is a small unit above the garage, any increase in solid waste will be nominal.

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

There are no additional special provisions.

f. 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.

The use will not create any hazards to the health, safety, or welfare of the public and it will be in the harmony with the character of the adjacent neighborhood.

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

The location is appropriate and it will be in harmony with the neighborhood.

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

The use is consistent with the spirit and intent of the Master Plan, it will provide an additional unit of housing.

M. Foote seconded the motion.

Vote was taken by roll call. Four in favor; one abstained (R. Maheu) (4-0-1).

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.I. ZO2021-0011SE 130 Mechanic St Special Exception Application (PDF)

Applicant Stephanie Edmunds outlined her application for an accessory dwelling unit. She explained that it was partially installed when she purchased the property. Over the course of several months they finished the unit. She was unaware about the permitting process for an accessory dwelling unit. It was also noted no building permit was pulled.

At 7:01 PM S. Bogert opened the public hearing.

At 7:02 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

M. Foote made a motion to approve with conditions ZO2021-0011SE 130 Mechanic St Special Exception for a Special Exception Article VII Section 235-41(A) to allow the installation of an Accessory Dwelling Unit.

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

The use is authorized by Special Exception.

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

The use will not create any traffic congestion nor will it impair pedestrian safety.

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 use will not overload any municipal systems and will not create additional runoff onto neighboring properties or streets.

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

The use will not create excessive demand for municipal services; it is a small unit, any increase in solid waste will be nominal, it is a single bedroom unit so there will be no excessive demand on the school system, fire or police.

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

There are no additional special provisions.

f. 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.

The use will not create any hazards to the health, safety, or welfare of the public and it will be in the harmony with the character of the adjacent neighborhood.

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

The location is appropriate and it will be in harmony with the neighborhood.

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

The use is consistent with the spirit and intent of the Master Plan, it will provide an additional unit of

housing.

Conditions:

- An "after-the-fact" building permit must be applied for within 30 days
- Any deficiencies must be corrected and a Certificate of Occupancy received within 60 days.

G. Ober seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.II. ZO2021-0015VAR 645 Union Ave Variance Application (PDF)

Tom Cantin presented the application to the Board. He stated that if you look at it as one lot, having an island in the middle would put greenspace in the center of the lot, instead of out by the street where it would have a more positive impact. There is also the practical aspect with the plowing, as going around an island makes it more difficult. He explained that it is mainly an employee parking lot, to free up spaces at the main building with the showroom and service department. There are 42 proposed spaces; it would access from Mechanic St. The entrance from Union Ave would be closed with a chain to keep people from driving through.

At 7:29 PM S. Bogert opened the public hearing.

At 7:30 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

G. Ober made a motion to approve application ZO2021-0015VAR 645 Union Ave for a Variance from Article VIII Section 235-48(G)(2) Design requirements - Landscaping to allow for the elimination of the interior landscaped area in the parking lot.

1. Granting the variance would not be contrary to the public interest because:

It will have no negative effect on the general public, relocation of the greenspace to street side is more beneficial.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance will be observed as this does not violate the objective of the ordinance, greenspace will be maintained in a different location on the lot.

3. Granting the variance would do substantial justice because:

The project would improve the property and be in harmony with the neighborhood.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The elimination of the island and relocation of greenspace will have no impact on the values of surrounding properties.

5. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one because:

The elimination of the island is a reasonable request, it does not reduce greenspace it is relocating it to another part of the lot which is more beneficial to the public and makes the parking lot easier to maintain.

R. Maheu seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.III. ZO2021-0016VAR 53 Dartmouth St Variance Application (PDF)

Applicant Stephen Luce Jr outlined his request to increase the density on his lot to allow for three living units where there are currently two. He explained that he is looking to put an additional one bedroom unit. Required parking was discussed. It was noted that when a Board member drove by the parking area was full and there are only two units, if a third is allowed, where will they park. The applicant

commented that he could add parking to the rear of the property.

M. Dellavecchia arrived (7:50 PM)

At 7:52 PM S. Bogert opened the public hearing.

Abutters Mary Nyan; Ralph and Doris Fecteau addressed the Board. Mr. Fecteau objected to the project due to the parking issues that currently exist. Adding another unit would make it worse. Mary Nyan reiterated the issue with the parking.

Abutter Chad Vaillancourt also addressed the Board. He noted that he had also sent a letter to the Board with his concerns with the parking. Mr. Vaillancourt added that with the new information about parking in the rear, it would be in his backyard.

At 7:58 PM with no additional persons to speak for or against the application, S. Bogert closed the public hearing.

Applicant Stephen Luce Jr. addressed the Board. With the concerns of his neighbors, he requested to withdraw his application without prejudice.

M. Dellavechhia noted that due to his late arrival he requests that Marcia Hayward remain seated as a voting member for this meeting.

8.IV. ZO2021-0017VAR 142 Main St Variance Application (PDF)

Applicant Dennis Greenwood outlined his application to the Board. He explained that he owns the used auto sales business that is on the 107 side of the lot located at 142 Main St. The business on the front (106 side) of the lot is a gas station. The current gas station sign utilizes the allotted sign square footage, leaving none for the new auto sales business. He is required by the State of NH to have a sign with 10" lettering, he is requesting to install an 8' x 4' wall sign (32sf).

At 8:18 PM S. Bogert opened the public hearing.

At 8:19 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

The Board briefly discussed the application.

S. Bogert made a motion to approve with conditions application ZO2021-0017VAR 142 Main St Variance Application for a Variance from Article IX Section 235-58 Table of Sign Regulations to allow for additional sign square footage.

1. Granting the variance would not be contrary to the public interest because:

It will have no effect on the general public.

2. If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance will be observed as this does not violate the objective of the ordinance, the lot is unique with two road frontages and current sign uses all the allowed square footage.

3. Granting the variance would do substantial justice because:

The area is zoned commercial and this is an expansion of a business; the sign with 10" lettering is required by State regulations.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:

The addition of the wall sign will have no negative impact on the value of the surrounding properties.

5. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one because:

The request is reasonable, as without relief, the business owner would have no signage and could not meet State regulations for auto sales businesses.

Condition: The variance is for the applicant, Greenwood Auto Sales. If the business ceases to operate at the location, the variance is null and void.

M. Foote seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.V. ZO2021-0018SE 33 Clearwater Place Special Exception Application (PDF)

Agent for the applicant attorney Sara Rubury briefly outlined the request. S. Bogert asked if they had additional proof, other than the letter from the prior owners. (No).

S. Bogert made a motion to continue application ZO2021-0018SE 33 Clearwater Place for a Special Exception per Article VII Section 235-70(2) to allow Short Term Lodging to the June 15, 2021 meeting. G. Ober seconded the motion.

Vote was taken by roll call. All in favor (5-0).

8.VI. ZO2021-0020VAR 56 Washington St Variance Application (PDF)

Applicant Arther Boudreau outlined his application. D. Trefethen outlined the access via easement to the Board. He noted that the access is from Madison St for the proposed lot, not Washington St which the current lot fronts. The Board noted that the issues such as parking, density, etc will be addressed at the Planning Board level.

The Board reviewed the map and the easement access, it was noted that there is a gate at the end of Madison St that is left open.

At 9:08 PM S. Bogert opened the public hearing

Margaret Spinazzola, 16 Madison St, briefly addressed the Board, she was clarifying the location of the proposed lot, as she is the last house currently on Madison St.

At 9:10 PM with no one to speak for or against the application, S. Bogert closed the public hearing.

G. Ober made a motion to approve application ZO2021-0020VAR 56 Washington St Variance Application for a Variance from Article VI Section 235-34 Minimum Lot Frontage to allow for the subdivision of a lot.

1. Granting the variance would not be contrary to the public interest because:
It will have no effect on the general public.

2. If the variance were granted, the spirit of the ordinance would be observed because:
The spirit of the ordinance will be observed as this does not violate the objective of the ordinance, it is consistent with the surrounding neighborhood.

3. Granting the variance would do substantial justice because:
It will not affect zoning, it is consistent with surrounding area.

4. If the variance were granted, the values of the surrounding properties would not be diminished because:
The value of the surrounding properties would not be diminished.

5. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one because:
The request is reasonable, it is in character with the surrounding neighborhood, there is access via an existing easement, and it has no negative effect on zone and the general public.

M. Foote seconded the motion.

Vote was taken by roll call. Four in favor; one opposed (R. Maheu) (4-1).

9. OTHER BUSINESS

10. ADJOURNMENT

At 9:15 PM S. Bogert made a motion to adjourn the meeting.
R. Maheu seconded the motion.
All in favor.