

CITY OF LACONIA PLANNING BOARD
6:30 PM City Hall - Armand A. Bolduc Council Chamber
Accepted February 1, 2022

1/4/2022 - Minutes

1. CALL TO ORDER

Vice Chair Stacy Soucy read the meeting intro and called the meeting to order at 6:33pm

2. ROLL CALL

Members Present: Scott McWilliam, Charlie St. Clair, Kirk Beattie, Richard MacNeill, Mike DellaVecchia, Stacy Soucy, Bruce Cheney

Members present via Zoom: Brett Beliveau

3. RECORDING SECRETARY

Taylor Daigle

4. STAFF IN ATTENDANCE

Dean Trefethen, Planning Director

Rob Mora, Assistant Planner/Zoom Host

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETINGS

5.I. Acceptance of Minutes from December 7

With no objections, Vice Chair S. Soucy declared the minutes accepted as submitted

6. PRESENTATIONS

7. EXTENSIONS Note: The purpose of this agenda section is for the board to consider requests from applicants with previously approved projects to extend the deadline dates. The board may also deliberate the request, decide and conduct a final vote at this time. PUBLIC INPUT IS NOT TAKEN ON EXTENSION REQUESTS.

8. 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.I. PL2021-0137SP, 0138SU; 23 Summit Ave; Proposal to construct three condominium units

Motion to continue the application to the February 1, 2022 meeting at the applicant's request made by K. Beattie. R. MacNeill seconded. All vote in favor by roll call

9. 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.

9.I. PL2021-0130SP, 0131CUP; Artisan Ct/Waterford PL; Proposal to construct self storage facility with

associate parking and utilities within the wetland buffer

Applicant: Project engineer Nick Sceggell addressed the board and the property owner was present on zoom. The work is focused on the upland area of the site and the applicant has discussed the wetland impacts with the Conservation Commission. There will be improvements to the driveway to make it acceptable for 2-way access. 5 storage buildings of various square footage will be built. The business will be completely self-contained, with no onsite office or employees. Customers will reserve a unit online and meet the site manager (owner) on site to get the keys. There will be some security cameras and minimal lighting. Stormwater management improvements include an underground detention basin and infiltration system that will release runoff to match the pre-development rates. Erosion controls will be present during construction. Salt will not be used on the property in the winter, only sand and plowing will be used.

K. Beattie asks if the property will be gated. Applicant says no (the owner later corrects this statement – it will be gated, and Fire will have access to it). K. Beattie notes that the NOA should indicate that Fire will have access to the gate on the site.

C. St. Clair asks about response time to the site in a case of emergency or spill since it is secluded. The property owner will be routinely checking the site at least once a day. He lives on the Gilford/Alton line so it will not be a long response time.

B. Cheney asks about the movement of the water line on site. Applicant says it will be moved to a different elevation but still within the current alignment. The water department is aware of this. B. Cheney also asks about the building height and fencing. The buildings are all 14-16' tall and there will be no fencing.

Applicant is asked to expand on the stormwater management system. Catch basins along the drive aisles will be tied together with pipes and lead into an underground detention system. There are observation ports and sumps in the system for maintenance. The system will be back filled with stone. Runoff is collected here and slowly released into the down slope wetlands to match pre-development numbers. B. Cheney brings up the concern for oil spills into the catch basins and the impacts of that on Lily Pond. Applicant says a spill would likely not reach the catch basins but would need to be intercepted prior to getting into the system. BMPs will be in place for clean ups. He mentions they could add a snout at the last catch basin to protect the system. R. MacNeill and B. Cheney would like to see more effort to protect Lily Pond downstream. The system will be regularly maintained according to the BMPs. S. McWilliam asks D. Trefethen if the planning department is satisfied with the stormwater system. The department is satisfied.

S. McWilliam asks what will be surrounding the buildings. Applicant says asphalt. Will they look like your typical storage units? Yes, with a relatively flat pitched roof.

S. Soucy asks about the Conservation Commission's request to put the remaining acreage on site into a conservation easement. Applicant indicates that this would possibly hold up the project and the owner is not currently interested in doing so.

D. Trefethen asks about bathrooms on site. There will be none as they would have to extend the sewer. R. MacNeill asks about a dumpster. There is no plan at the moment for one, but they could add one with proper screening.

The public hearing is opened at 7:02 pm.

Abutter input: there was no one to speak for or against the application.

The public hearing is closed at 7:02 pm.

Staff Review: Planning Director D. Trefethen reiterated the Conservation Commission's concerns about invasive species on the property and potential impacts to Lily Pond. D. Trefethen notes that sand

removal will be a part of the stormwater system maintenance in the spring. There are two amendments to the staff review: item "H" stating that the Fire department will have access to the gate and item "I" stating that the planning staff will work with the applicant on improving the stormwater system's safeguards against oil spills.

Motion to approve the site plan and conditional use application with the dates and conditions, including amendments H and I, as stated in the staff review made by S. McWilliam, seconded by C. St. Clair. All voted in favor by roll call.

- 9.II. PL2021-0141SP; 100 New Salem St, Isaiah 61 Café; Proposal to use portion of the building to operate a low barrier, emergency cold weather shelter from Dec-March

Motion to accept the application as complete made by K. Beattie and seconded by R. MacNeill. All vote in favor by roll call.

Applicant: Owners Dawn and Dave Longval addressed the board. The owners discuss the impact their café has had on the community and the people that they support. They propose using approximately 1754 square feet for a low-barrier cold weather overnight shelter from December to March. The maximum occupancy would be 33, including supervisors. Applicant discusses the conditions of the shelter – there will be two supervisors each night who will monitor for behavior using security monitors in the lounge. Check-in will be from 8-9pm and guests will be required to lock up their belongings. Lights out are at 10pm and if a guest leaves before the following morning, they cannot return that night. Guests will be asked to leave if they show disruptive behavior. They will have access to the bathrooms but not the kitchen, laundry, or showers. Pitman's building will also be locked and not accessible. Applicant argues that this location is perfect for this use because it is close to downtown and the police station. They also address concerns for the number of calls to the police about this location and go over historical log records for the site and neighboring properties.

C. St. Clair asks if the supervisors are paid or volunteer positions. They are mostly volunteer but paid opportunities might be considered later on. What is the plan if a volunteer leaves unannounced? Applicants are not worried about this. If for some reason there are not two supervisors for that night, the shelter will be closed. B. Cheney would like the planning staff to review the RSAs for this situation, specifically the staffing requirements. R. MacNeill reiterates the concern for properly trained supervisors. The applicant asks about the requirements for the temporary shelter that the city ran last year and who had volunteered at it. K. Beattie indicates there were no issues with it last time. K. Beattie addresses some of the board's concerns for the RSAs and elaborates on the 'temporary' status of the shelter. B. Cheney would still like the staff to review it once more. D. Trefethen reminds the board that all fire and building codes are being enforced. He also mentions that the focus of tonight is about the location and use for this business. S. Soucy asks if this should be tabled to allow time to review the RSA. It is decided to not table the vote but to instead include a review of the RSA as a condition of approval. Both K. Beattie and D. Trefethen say they are comfortable with the RSA language but will still review it.

B. Cheney asks some questions about the lounge area. Applicant reviews the site plan with him. B. Cheney asks if this is really the right location and if it's being done properly. Applicant reiterates the proximity to the police station and downtown. The applicant has modeled the shelter's procedures from the best management practices of similar shelters across the state. B. Cheney requests that the shelter's rules and procedures be shared with the planning department as a condition of the NOA.

S. Soucy asks if the applicants are working with/have support from other resources in the area. They explain that this shelter would be the only low-barrier shelter in Laconia, and this addresses a gap in the demand for shelter. They do not anticipate any families using their shelter, but it is open to men and women. There will be removable privacy walls depending on the guest dynamics for each night. If the guests are disruptive, they will be asked to leave, but if they are not compliant the police will be called.

There is concern among the board for covid safety protocols in the tight quarters. The applicants are asked if they will be testing the guests or have any test kits. They will only test guests if they have

symptoms and will use rapid tests in that situation. They will not test everyone as they have not had any cases yet that they are aware of. Masks or vaccinations will not be required. The café is partnering with "Health First" to provide medical care to the guests but are not going to ask them to do testing.

S. McWilliam asks about the plan for if they run out of beds. There will be an early sign up during the day. If they are full, they will have to turn people away. There is also the question of security lighting. There are motion-activated cameras and lighting on site. B. Beliveau asks for clarification on the bed and occupancy count. If occupancy exceeds the current number of beds and allowable guests, they will use cots in the lounge area or purchase more bunks. Applicant also mentions that the café building will be locked.

K. Beattie indicates that the applicants have worked with the fire department for all fire code concerns. There will be proper egresses and alarm systems.

D. Trefethen is asked to clarify the fencing for the property. It will be placed along the common property line between the applicant and 104 New Salem St and wrap around the back of this property as well. The plan is to install a chain link fence.

The public hearing is opened at 8:00 pm

Abutter input: Donna Clairmont addressed the board as an abutter to the property since the 70s. She expressed her concern with respect of property and privacy. She hasn't had these issues prior to the café opening next door. She has shared these concerns with the owners, but the issues are often overlooked. She says a chain link fence is not a solution to the issues.

Public input: Cathleen Brown, Messer Street resident, apologies to the abutter but says trash issues happen across the city. She says preventing this from passing is not going to fix that problem. Brown vouchers for the work at Isiah 61.

Shelly Tweedy, a café volunteer, addressed the board. She vouchers that this is something Laconia needs.

Shannon Richiotti addressed the board. She reminds everyone that the café used to be a bar and that would've been worse. She was a resident at the Carey house and addressed that covid protocols were not followed there and the café should not be held to a higher standard than the other businesses.

Alice Hurst addressed the board. She is a volunteer at the café. She argues that the abutter doesn't know that the people causing problems on her property are guests from the café.

Donna Clairmont returns to the stand. She tells the board that she has watched people walk to her yard from the café. She has asked them to stay off the property, but nothing gets solved. She also mentions the concern for her property value decreasing.

Shelly Tweedy returns to the stand. She says Jesus didn't think about money, he thought about people.

Alan Dauphin of Water St. addressed the board. He asks that if this gets passed to please make it a sobriety house.

Christ Whitten, a café volunteer, addressed the board. He says the rules and RSAs are important but so are the people. The goal of this work is to decrease homelessness in Laconia.

Sharon Bernadon, a volunteer and resident of Plaistow NH addressed the board. She vouches for the café's community and owners.

Brad Brown addressed the board. He reminds the board that the volunteers have closer relationships with the guests and that they are happy to do it without pay. It is not a perfect plan, but they will make

a difference. He also reminds them that the people there in the day are likely going to be the same ones there at night.

Joann Mullen addressed the board. She is from Seymour, NH. They build relations with the people at the café. She says this is not a handout but an opportunity to give them a leg up.

Robert Pappin addressed the board. He tells the abutter that variety is the spice of life. He says they can start a go fund me and buy her house.

Jessica Berry addressed the board. She says there are other streets in Laconia with more police calls for drugs and homelessness than at the café. She says these are not the people that come to their café. This is a nonprofit doing positive work for the community and they go above and beyond what paid facilities do.

The public hearing is closed at 8:36 pm

Staff review: D. Trefethen reads the staff review. They have gone to ZBA and were granted a special exception for the use with the condition of a fence being installed. All other requirements have been met and they continue to work with the fire department.

The board has some questions about the fence. D. Trefethen explains that they looked at a 4-foot chain link fence to stop the wandering of people into the neighbor's yard. There is a 6-foot height limit and setback requirements that also need to be considered. The fence will be put up and maintained at the expense of the applicant. B. Belliveau asks if the neighbor is happy with the choice of fence. Donna Clairmont returns to the stand and says she would appreciate a 6-foot solid fence instead for privacy. S. McWilliam suggests this be an amendment to the notice of action and a condition of approval. R. MacNeill asks when the fence could be installed, and it is noted that it would not be immediate and likely in the spring.

M. DellaVecchia argues that Laconia does not have the infrastructure to take care of these people and worries that this will just attract more homeless people to the city. S. Soucy asks if it would be possible to approve of this for a year to see how it runs. The applicant and D. Trefethen argue that this would not work well for them.

K. Beattie motions to approve the application with the amendments discussed to the staff review including adding 5c – a staff review of the temporary shelter RSAs, 3D – a 6-foot vinyl fence instead of the 4 foot chain link, and 3A1 – the café provides copies of their procedures and guest rules to the planning department. Seconded by S. McWilliam.

There is discussion about the motion. C. St. Clair brings up the fact that despite so much opposition in the city, those people do not attend the meetings and voice an opinion on the matter. People who support the application do show up. The board hopes these amendments will help alleviate some of the public concerns.

A vote is held by roll call. The motion passes 6-2 with K. Beattie, C. St. Clair, R. MacNeill, B. Belliveau, S. Soucy, and S. McWilliam in favor and B. Cheney and M. DellaVecchia opposed.

There is a five-minute break after this application.

10. APPLICATION ACCEPTANCE Note: The purpose of this agenda section is to publicize that a Planning Board application has been submitted AND for the Planning Board to determine if the application is complete enough to begin the review process. PUBLIC INPUT IS NOT TAKEN AT THIS TIME. If the application is accepted the Planning Board will schedule a Public Hearing at which time the application will be heard and public comments will be accepted. Information about applications can be obtained on the city's web site or by calling the Planning office.

11. NEW BUSINESS

11.I. Aesthetic review of external walls for new buildings at 18 Endicott North

Applicant: Project architect Mike McKeown addressed the board about the building materials. Materials are limited based on the building use and height. The colors are those of the corporation. He shows renderings, material samples, and an image of the same material installed at another site. The siding material is meant to emulate housing siding.

The board thanks the applicant for the work they put in to address the concerns from the last meeting. M. DellaVecchia asks if portholes can be added to the design, but the applicant says that would not work with the building's wind loads. B. Belliveau reminds the board that the buildings will be fronted by landscaping and patios, which are not in the renderings.

S. McWilliam motions to finalize the application for 18 Endicott North by accepting the exterior paneling. B. Cheney seconds. There is some discussion about the motion. M. DellaVecchia does not think this will be an attractive plan for the community. B. Belliveau reminds the board that this is an improvement over the current appearance of the site.

A vote is held by roll call. The motion passes 6-2 with K. Beattie, B. Cheney, R. MacNeill, B. Belliveau, S. Soucy, and S. McWilliam in favor and C. St. Clair and M. DellaVecchia opposed.

12. OLD BUSINESS

12.I. Board discussion changing allowable structure height in certain zones

The board discusses opinions on the height regulations along Lakeside Avenue. There is discussion about how these changes play into the responsibilities of the ZBA granting variances. D. Trefethen discusses that if the board chooses to deny an application that meets all of the regulations, they will need solid reasoning and hard evidence to support it (for example, adversely affecting a neighboring business). They could consider aesthetic regulations in this matter but should not approach it in a case-by-case basis.

B. Belliveau suggests an approach that uses a percentage of height to compare to abutting structures (could be within 5% of abutting structure heights). Limitations will not attract developers.

There is discussion about the performance zoning that was approved in the Weirs. B. Cheney notes the Council would be hesitant since this was just approved and changing the ordinance would be questionable. ZBA and planning board should use value judgement within the performance zoning. There is also concern for spot zoning versus adding a new zone.

13. PLANNING DEPT REPORT

14. LIAISON REPORTS

15. OTHER BUSINESS

16. ADJOURNMENT

B. Cheney motions to adjourn at 10:05 pm and is seconded by R. MacNeill. All vote in favor.