



DEPARTMENT OF PLANNING & ZONING
 ZONING BOARD OF ADJUSTMENT
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**MINUTES ZBA MEETING
 MAY 16, 2011
 APPROVED AT MEETING OF 6/20/11**

PRESENT: S. Bogert, **Chairman**; S. Perley, **Vice Chair**; D. Greski; M. Foote

ABSENT: O. Gibbs

STAFF: S. Saunders, **Planning Director**; K. Snow

S. Bogert called the meeting to order at 7 pm. He reminded the applicants for the first two hearings that only 3 board members will be seated.

S. Bogert asked S. Saunders and the other board members if M. Foote could be seated for the hearing for 423 Main Street since there was such a significant change. S. Saunders said she felt he could be seated for that hearing due to the changes; the other board members were in agreement.

For the first hearing, 118 Paugus Park Road, S. Bogert explained to the applicant that there was a short board. This means that all the board members would have to vote in favor of the application for the proposal to pass and that the applicant could choose whether to be heard this evening or wait until the June 20 meeting. W. Totten said he would continue tonight.

HEARINGS: CONTINUED:

Application # 2011-0007	MSL 287-178-6	RS Zone
Thuis Haven LLC	118 Paugus Park Rd	Variance

The applicant is requesting a variance from 235-19 (F) (2) (b), shoreland setback, in order to replace an existing deck, increasing the width by 3 feet, which would then encroach into the required 50 ft shoreland setback by 2 feet.

Applicant: W. Totten appeared. He said that the board had asked him to return tonight as the dimensions had not been indicated on the plan. Those dimensions were submitted and the area is indicated on the plans. 52 SF is encroaching into the 50 ft setback area. D. Greski asked if anything was submitted yet to the state and W. Totten indicated he was waiting for this approval as the applicant will also be building a garage on the property. It is within 150 ft of the water so they need state approval for that as well. S. Saunders explained the state process to the board.

Board: S. Perley asked for clarification on the dimensions and W. Totten said they are adding 3 ft to the width. 102 SF is being added total, with 52 SF in the setback.

Public: No one from the public spoke for or against the application.

There was no further board discussion so S Bogert closed the hearing to the public.



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Motion: D. Greski moved to approve application 2011-0007. He stated the variance will not be contrary to the public interest as this won't alter the character of the area and there is no threat to public health, safety, or welfare.

The spirit of the ordinance is observed as this is an established neighborhood. The deck will be cantilevered, with no further structure added to the ground. They will be going out with an addition of 52 SF in the 50 ft setback.

Substantial justice is done as there will be no impact to surrounding properties.

The property values won't be affected adversely. This is a cantilevered deck so there will be no additional construction on the ground. There will be a contingency that there will be DES approval for the project.

No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of the provision to the property as the majority of the deck is over an existing patio. The deck is 7 ft above the ground and will be cantilevered.

The use is a reasonable one as this is a minor expansion of an existing deck which won't impact the essential character of the neighborhood.

S. Perley seconded.

S. Bogert said he would like to add the condition that this approval is contingent upon state approval; if the state doesn't approve this the approval becomes null and void. D. Greski said that he had mentioned that in his motion. All voted in favor of approval, 3-0.

M. Foote was seated for the following hearing. S. Bogert explained that 2-2 vote would be a denial and that they must receive 3 affirmative votes to pass.

Application # 2011-0006	MSL # 442-142-40	DRD Zone
Landwild Holdings	423 Main Street	Variance

The applicant is requesting a variance from Table VI, Table of Sign Regulations. The applicant has reduced the requested size of the sign from 49.6 to 43.5 in a zone where signage of 24 SF is allowed for a freestanding sign.

Applicant: Randy Bartlett appeared for this application. He said he went over all the criteria last month. He stated that they made some concessions. They made a reduction in the height, a change in the color, and they changed the illumination. He feels that they met the board's requests. They came to an agreement on the sq footage so he feels that they met the conditions set by the board in order to approve the sign.

There are two options for the board to consider. They involve the pole covers, and if they should be wider or thinner. One goes full width, and the other is thinned in. S. Perley asked if he brought in a color photo as she didn't see it with the submission. He said he was out of the country and it should have been submitted. The Board determined that it was not submitted.

The board asked him to go over the colors again. He said the pole cover is bronze. The sign will have red letters. This is the old one from Walter's. The board asked about illumination. R. Bartlett said the proposed won't be any brighter than the one Melcher Prescott has now and S. Bogert agreed that one is not obtrusive. He said there are



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some that are bright to the point of being a safety hazard. S. Perley asked about the berm and was told it is on an 18 inch berm now, which is already there.

S. Perley asked if the sign is red and black and was told yes. She asked how the sign will face and R. Bartlett said there is really only one way it can be placed, east/west, facing the jewelry store and Dunkin Donuts. S. Perley asked if it will be double sided and was told yes. S. Bogert said this sign is attached on both sides. It is located in the DR (DRD) district.

A changeable copy sign is allowed in this zone per S. Saunders. D. Greski asked if this is a historic district, and S. Saunders replied no, we don't have a historic district. S. Saunders read 235-58 to the board members. The sign can only change once an hour. An animated sign is different; that has words and pictures that move; that is not permitted here. Changeable copy is just the letters, which can change only once an hour.

S. Perley asked about the bronze color; is it a deep brown. R. Bartlett said yes and said to look at the flag pole behind S. Bogert. It is similar to that. The pole cover is a deep bronze.

M. Foote asked if it was similar to what was there before and R. Bartlett said that one is a light black. He told the board which one he thought they would prefer after their discussion of last month. The wall sign here is shown as well. That is 28 SF, which is under what is allowed in the zone.

M. Foote asked about the cover that is being changed and R. Bartlett explained it. M. Foote said he thinks it looks good. S. Bogert showed M. Foote the "fillers" which are included in the overall square footage. It was more of a mushroom shape, and now has been made into a monument sign. The fillers are there more to help the aesthetics of the sign.

Public: No one from the public spoke for or against the application.

Board: D. Greski said he feels it is hard to approve something when the board requests information and they don't get it. The color drawing was important and they didn't get what they asked for. No color picture was submitted. D. Greski said he felt we need to see what it is going to look like.

R. Bartlett said the drawing pretty much represents what they are going to see. The bronze is dark so will show as black. The only thing not going to be in the black and white rendering submitted is the color red. He apologized. He said he was asked to submit a color rendering, and asked his people to do so, but it didn't happen.

S. Perley said this makes a changeable copy LED sign on both sides of the street and she doesn't like it. S. Saunders reminded the board that it is permitted, and the signs will only change once an hour. She said it will really look just like a changeable copy sign as it won't be flashing. M. Foote said it is located downtown, though. R. Bartlett said it is within keeping of the signage in the area. He said it is not oversize, meets the height requirements, and they made concessions in lighting and colors to meet the wants of the board.

S. Bogert mentioned another real estate company at the entrance of town and said that they have graphics on their sign. He asked if that would be allowed here and S. Saunders said they can have graphics, they just cannot change the picture more than once an hour. S. Bogert asked about lighting and S. Saunders said we currently deal with that issue on a complaint basis. We do not have regulations.



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R. Bartlett said they just helped the Town of Hudson to re-write their sign ordinance and he can help us with that. S. Bogert said we can add a condition here. R. Bartlett said their signs have auto dimming; the brightness changes with a change in daylight. S. Bogert asked if lighting is done in percentages and R. Bartlett said yes. S. Bogert asked if, for example, 30% would work at night and R. Bartlett said he is unsure, and explained the unit of measurement for LED light, “nits”.

S. Bogert said he didn’t feel the board’s opinion would hold up in court as everyone has a different idea on what is too bright. R. Bartlett said then to go by “nit value”. 5000 nits is the average per R. Bartlett. 2,500 would be 50% per S. Saunders. S. Bogert asked if S. Saunders was comfortable with that, and S. Saunders said she would have no clue. She does not deal with Nits and has no perspective on what 5000 is or 2500 is.

S. Saunders said we could start requesting a 50% light level, then going down to 40%, then to 30%, if there are complaints. She feels the complaints should come through ZBA, Planning Board or City Council members. Put a stipulation on nits, and then shut the sign off at 11 pm. S. Bogert said more comfortable with stating 50%, and if there is a complaint then drop by 10% each time, until 30% is hit.

The applicant must also submit the color photo which had been requested.

S. Bogert closed the hearing to the public.

Board: S. Bogert said he feels the applicant worked with us to meet the requirements. S. Bogert said he doesn’t like this type of sign either but thinks this will look nice, ultimately. He said the only things that will have other colors are the Remax logo, the boat and balloon.

Motion: S. Perley moved to approve application 2011-0006. This is for internally illuminated monument sign, 9 ft tall.

Granting of the variance will not be contrary to the public interest as no one spoke for or against the proposal.

The spirit of the ordinance is observed. The property is located in the Downtown Riverfront district where an internally lit, changeable copy sign is allowed. This is a business location, and they always had a sign here.

Substantial justice is done in granting the variance as this allows the business visibility to direct clients into the property.

The surrounding property values won’t be diminished as there are similar signs in the area.

There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of the provision to the property. This is located in the DRD business district, and a sign is necessary to conduct business.

The proposed use is a reasonable one as it is permitted in the zone.

The following conditions were added to the motion by S. Bogert:



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1. The approved sign will be depicted on submission B-10-11-6923, REV 2, CO # 6, last revised 4/19.
2. The proposed landscaping won't hinder the view of the sign and will fit into the existing landscape.
3. On the top portion of the sign (Remax/Bayside) only the letters, balloon and boat will be illuminated at night, with the background darkened out.
4. The brightness at dusk shall be turned to 50% and if a member of a decision making board for the City deems it to be still too bright, it shall be lowered by increments of 10%, to no lower than 30% of the overall software as stated. It will be no more than 2500 nits.
5. The sign shall be turned off from 11pm to 6 am.
6. The color rendering is to be submitted to the Planning Department for the files.
7. If there are any changes to the sign, they must return to the board.

D. Greski seconded the motion, along with the added conditions. All voted in favor of approval, 4-0.

HEARINGS: NEW:

Application # 2011-0008

MSL 182-248-1-1

CR Zone

F. Holdsworth

978 Weirs Blvd, Unit # 1

Variance

The applicant is requesting a variance from 235-19 (F) (2) (b), shoreland setback, in order to expand the existing deck 4 feet and excavate the foundation in order to allow access to the basement. The unit is located entirely within the city's SPOD.

Applicant: Fred Holdsworth appeared. He said that the unit beside him already did this. They did not require Zonings approval as they are not located in the SPOD. His unit is partly in the SPOD. He wants to bring the deck out to meet the neighbor's deck and do the same thing. He got the permit from the state. He submitted a color picture of what his neighbor did and said he wants to do exactly the same thing.

Board: S. Perley asked how this would affect the elevation. He said he would be level with unit 2 but not with unit 3. He would have to get a building permit.

S. Perley asked about the SPOD and S. Saunders said it ends here in the middle of his unit. S. Perley asked how much excavating would be required and F. Holdsworth asked the board members to look at the pictures he submitted; the one with the window, the earth comes up about halfway, about 3 to 3 1/2 feet of earth, plus a paved sidewalk. D. Greski said the state permit mentions about 80 SF.

S. Bogert asked if that is the photo where the picnic table is shown and was told yes. He asked if the stairs will be re-located and was told yes, the same as what the neighbor did. F. Holdsworth said the neighbor's stairs come out to where it ends so new stairs are needed to be even with his unit. S. Bogert asked if each unit has own set of stairs and was told yes; every unit is individual.

D. Greski said this would allow them to install a basement door and asked how they access the basement now. F. Holdsworth said there is a common entrance under unit 5, and the area is unfinished. If anything happened while you were in there, you would have to go entirely back to unit 5 to exit the area. Doing this would allow egress here.



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M. Foote asked if this is in compliance with what was previously done. F. Holdsworth said yes, the person at the state who handled this did unit 2 so he was familiar with what was done. They are getting a bit closer to the water.

Public: Frank Hurt appeared. He is the owner of unit 3. He currently has an application in to DES and the city to do the same thing. His doesn't require a variance as he is not in the SPOD. This would allow all the decks to be in line. This was an old motel which was converted to a condo.

Board: No further questions. S. Perley said this was a well done application.

S. Bogert closed the hearing to the public.

Motion: D. Greski moved to approve application 2011-0008.

Granting the variance won't be contrary to public interest. It won't alter the character of the area and will compliment what has already been done. This won't threaten the health, welfare or safety of the public and would enhance the safety aspect as there is no outside access from unit 1 unless going to common access from unit 5, some distance away.

The spirit of the ordinance is observed as this is an established neighborhood. Unit 2 has already done the same thing and unit 3 has applied and will eventually be done as well. Adding the basement door will enhance the safety factor for the unit.

Substantial justice is done as there will be no negative impact to the surrounding properties. They will be uniform. DES has given approval by permit to excavate approximately 80 ft so this is a reasonable use of the property.

Values of surrounding properties won't be diminished and should be increased as this will look more like the neighbor's unit and will be uniform.

There is no fair and substantial relationship between the public purpose and the specific application of the provision to the property. Not allowing this would make this property less uniform. The use of the property won't be changed, and this should increase the value to the general public.

This is a reasonable use as this won't change from its current use and will be more aesthetically pleasing to the eye.

M. Foote seconded the motion with all voting in favor, 4-0.

Application # 2011-0009	MSL 216-248-4	CR Zone
Christmas Island Motel Corp	630 Weirs Blvd	Variance

The applicant is requesting a variance from 235-19 (F) (2) (b) in order to add second floor living space within the 50' SPOD, utilizing the existing footprint. In addition, several small "bump outs" are proposed within the SPOD.

Applicant: Regina Nadeau appeared along with Ron Johnson, Jon Rokeh and the property owner, Tom Roux. R. Nadeau said they have already gone through a TRC meeting for the Planning Board. The site is 3 plus acres, and is operated as a year round resort, although most of their bookings are seasonal.



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There are currently 49 units, with 47 in the motel buildings, and 2 single family home units. There are 2 motel buildings. One has an enclosed swimming pool, along with the manager's office. S. Perley asked her to show where the restaurant is located on the plan. S. Perley asked if these buildings are visible from the road, and was told that one building is.

R. Nadeau also indicated on the plan where the island is and told the board that it was turned into condominiums years ago.

She said that this peninsula is left. She showed the board where the cottage was moved back a few years ago. They removed it as it was over the water, and the cottage is now more conforming. She showed the motel units, and the freestanding buildings.

She stated that they want to convert this to 18 condo units, which will reduce the density from 49 – 18. They need the variance in order to do second story construction in the 50 ft setback.

She asked the board to look at tab #1, the site plan submitted to Planning. The second plan is easier to read. She said if they look at tab #4 they will see what is existing and the proposed. Building 1 has the pool. That is currently laid out as a 2 story structure with the enclosed pool area in the front. The orange line on the plan shows the 50 ft setback line. They plan to remove the enclosure over the swimming pool. Walkways and overhangs already exist. They want to push out under the overhangs not increasing the impervious area. One corner would be in the 50 ft setback. The middle unit would be higher with a balcony on the second floor. They are removing some unattractive area, with only a small encroachment.

Building #2 already has 2 stories in some areas. They are proposing to add a second floor to the remainder of the structure, with the bump outs under the eaves. She showed the bump outs on the plan and said again there is just a small area in the 50 ft setback area.

S. Bogert asked about the bump outs and R. Nadeau showed the areas on the plan and explained them.

Tom Roux explained the eaves here. He said there is a 4 ft overhang now which you can walk under without getting wet in the rain. The line will be maintained, the bump out comes out about 3 ft, leaving about an 8" overhang. The bump out goes up to the second floor. The deck area will be brought up. There will be a 4 ft deck area on the top. M. Foote said this would bring this in line with the second story on the other building. T. Roux said there will be a partitioned wall for privacy factor.

D. Greski asked if there would still be an open area of 4 ft underneath, located between the bump out. There will be outside lights, and a deck on top. R. Nadeau said the end unit changes the line. There will be 2 stories the entire way across. They got the State of NH shoreland impact permit. They tried to stay completely within the existing impervious area. They measured off the closest point to water, and they are not getting any closer than they already are. They are going from 49 to 18 units, with the proposed impact relatively minimal. The associated site work will mitigate any potential issues.

R. Nadeau said that J. Rokeh did the storm water treatment plan which he will explain.



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D. Greski mentioned the decrease from 49 to 18 units but wondered about how many people that might be. Tom Roux said it would be substantially less. They have over 100 beds now, and the units now sleep 4-6 people. If you round off, he is thinking this would be maybe 50 beds.

R. Nadeau showed the existing buildings again. The parking will be situated further away from the water. This was originally designed back in the 60's. She showed docks, the beach areas, the pavement and walkways. She said there is a multiple slip dock system. The plan doesn't show the pavement for loops and parking. Center islands are all grassed in.

She said when they got the approval for unit 17 to be moved they incorporated planting of shrubs. There were to have been 50, but they did 100 at that time.

Jon Rokeh said they received the shoreland permits with the state. He said they had a lot of roof area, so they put in multiple rain gardens. He explained how they will work. They added a trench drain in front to go to the large rain garden. They added plantings along the slope. They located a bio treatment swale near the pool building. There are additional plantings in the swale.

D. Greski asked if this will absorb run off from the roof and was told yes. He asked where it goes from there and J. Rokeh said eventually to the lake but it is treated first, not like now. They are removing some pavement and reducing the impervious area.

S. Bogert asked if any other parking spaces associated with the current motel function disappear and said no. They were open asphalt areas, not striped. They are retaining all that currently exist. S. Bogert asked again for clarification on the buildings and on the building with the garages and they were explained to the board.

Ron Johnson explained. He said this is Island Drive, and there is storage under the restaurant building. S. Bogert said he might have mistaken that for another building.

R. Nadeau said there is a lot of pavement now, with some of it road, and some belonging to commercial properties.

J Rokeh said they did receive the permit from the state.

R. Nadeau said they are proposing minimal impact to the earth. Everything is within areas already dedicated as impervious by the state due to walkways and overhangs. They are reducing units from 49 – 18. She said if you go by the number of people that is a very significant reduction. They are increasing living space in the setback area but reclaiming some within the 50 ft buffer. They have added drainage. They are adding 1720 ft of living space, but reclaiming 2570 ft to the green space.

R. Nadeau said her answers to the zoning criteria were lengthy and that she assumes the board read them so she will not take up their time reading all of the responses if the board was in agreement. She did read item #2 and said that lately the courts have joined items 1 and 2, feeling that is in the public interest.

She said they have gone over the treatment of the water, the water quality, and the impact before entering the lake. That has bearings on the public welfare. She said the board has renderings from the architect. The existing structure is brick, and the addition will be shakes, stained with white trim. That would be consistent with the other freestanding buildings. They have taken aesthetics into consideration.



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S. Bogert asked the board members if they need the responses read and was told no, they had all read them before the meeting.

Public: No one spoke for or against the application.

S. Bogert asked the board if there were further discussion. The members had no further questions so S. Bogert closed the hearing to the public.

Motion: S. Perley moved to approve application # 2011-0009.

Granting the variance will not be contrary to public interest as they are reducing the overall impact, going from 49 - 18 units, with a reduction in the number of people. They would be lessening traffic impact. They are utilizing existing footprints of the buildings. A comprehensive water treatment plan was submitted, to protect water quality of the lake.

The spirit of the ordinance is observed as they are reducing the overall impact by reducing the number of the units from 49 – 18.

Justice would be done in granting the variance as the benefits to the applicant far outweighs any negative impacts to the general public.

Values of the surrounding properties are not diminished by the proposal. The new construction will blend in well with the environment and they incorporated run-off water mitigation to protect the lake.

There is no fair and substantial relationship that exists between the general public purposes of the ordinance provision and the specific application of the provision to the property. The property has been here since the 1960's, prior to the shoreland overlay. There is minimal impact on the shoreland overlay district.

The proposed use is a reasonable one. It is an allowed use. The use goes from motel to residential, with the condo change, which should have a positive impact on the area. S. Bogert added that this is not a condo yet but the proposed use is a reasonable one.

D. Greski seconded the motion and all voted in favor, 4-0.

The board took a 5 minute break.

S. Bogert called the hearing back to order.

S. Bogert said he would read both applications, 2011-0010 and 2011-0011, in at the same time and hear both proposals together, but render separate decisions if that was all right with the applicant. R. Nadeau agreed to that.

**Application # 2011-0010
 Cantin Chevrolet**

**MSL 388-220-6
 623 Union Avenue**

**C Zone
 Variance**



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The applicant is requesting a variance from 235-35 D (13) in order to construct a new front entrance that will encroach 6.4' into the special setback.

S. Bogert asked S. Saunders to explain the special setback here. She explained it was a setback from the collector streets in case of future widening or reconstruction. D. Greski asked if the 6.4 is from the 50 ft and was told yes, from the center of the road.

Applicant: 2011-0010: R. Nadeau appeared along with Ron Johnson and Tom Cantin. R. Nadeau said she inverted some numbers on the applicant, which she will correct as she goes along.

R. Nadeau said the property is on the easterly side of Union Avenue. She showed the 2 different parcels of land, and said the one on the corner that fronts on Mechanic Street is a separate lot, and not part of this application.

This is for the larger parcel of land which includes the main building, which houses the show room, offices, parts center, as well as auto repair. The car wash and parts storage was pointed out. The rest is an outdoor vehicle display and parking for client or employee vehicles. She said there is some overlap. They have another property across Mechanic Street and a showroom for their used vehicles across Union Avenue as well.

She said they are here because Chevrolet/GM has mandated every dealership to make changes inside/outside so they will be nationally recognized. These changes are very specific and cover the type of furniture, signage, and even where the furniture is located in the showroom. The key feature has to do with visibility and identifiability.

The only exterior change is converting the front area with the 2 ft overhang which already encroaches into the setback. The proposal is that the encroachment becomes 6.4 ft into the front setback. This is an area of 140 SF. This actually doesn't have to go to the Planning Board because of the small size and will have to go before the Minor Site Plan Committee. However the variance is required in order to make this change. Every dealership is being required to have this. This change triggered the requirement for the street trees here.

R. Nadeau said that Tom Cantin will explain the details.

D. Greski asked her to explain the math.

Ron Johnson explained how to arrive at the figure. He said some of the lines shown are perpendicular to the road. He said to add 1.95, 1 ft, .83, 2.65, and that arrives at the 6.43 total.

Tom Cantin said the dealership has been here in Laconia since 1929, and at this location on Union Avenue since 1947. It has been updated, modernized, and changes made over the years.

Chevrolet is requiring them to do this. They have 5 year franchise contracts with their dealerships. This is specific down to wall colors, carpet brands, chairs and where they are placed, ceiling and floor tiles. This is a positive thing as Chevrolet has done a lot of work for the dealers. They designed a facility and it all been done for the dealers.

They will be replacing the signs on the facility to meet the required new signage. They will be utilizing the front of the store to convey the image Chevy wants them to have. 3.78 ft of this is on the ground, with the overhang of 2.65 ft. There will be can lights located in the overhang.



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Currently in front of the showroom are 3 static display spaces. Vehicles parked here usually face in a southerly direction. When the change is complete they will go from 3 to 2 spaces. The showroom will be wider but they won't have cars in front of the sign entrance element. The area won't be blocked and will be visible; it should look better. They are also eliminating 2 customer parking spaces for the service department; he showed the area on the plan. They will be partially covered by building, leaving what area remains not safe to be used by the customers. The interior enhancements will be safety related. Relative to this meeting is the encroachment into the special setback and the street trees.

S. Perley asked about the existing overhang and T. Cantin said that is being eliminated and this will be brought back to the thickness of the paneling that will be added to the building. There is currently an internally lit light bar, which will be coming off. It will be replaced with non illuminated letters. The word Chevrolet will be internally lit, as well as the "bow tie". The words Cantin and Service are not lit.

S. Perley asked if this is 6.43 ft from the existing building or from what exists and was told from the building. T. Cantin said this is being changed to "aluminum colored" aluminum and from a non-bronze glass to a clearer glass. The blue bar shown is flush and is not illuminated.

S. Perley asked about the blue thing, is that 3 ft wide with another 3 ft overhang. She was told yes. She asked why that cannot be flat and was told that is being pulled back and incorporated in as far as they could, keeping the 3D image Chevrolet wants, while minimizing it as much as possible.

S. Bogert said the face is similar to a rebuild done on a competitor a few years back. Their signage was done the same way and had the same type of arch way, freestanding in front of the building. They had no problem with their setback. T. Cantin said he thinks that probably the same architect was used. He said that currently there are 4,000 Chevrolet stores but 2 years ago were 6,000 Chevrolet stores.

D. Greski asked that, as the building stands today is it within the 50 ft setback and was told no. The new façade will be 6.4 ft but the expansion of the showroom won't encroach. It would be just the façade, with the blue entrance sign element.

S. Saunders asked T. Cantin to clarify the illumination. She was told just Chevrolet logo and the can lights in the ceiling of the entrance way; the Chevrolet letters, each are internally lit, and the gold bow tie is internally lit. Not the blue portion, but in the overhang the can lights are illuminated. The blue is a series of panels, fastened to the structure. Silver panels go around front of the show room. Cantin is not lit. The Service area sign is not lit and they are also losing other internally lit signs.

S. Bogert asked about the area on the left side of property, will the parking spaces there remain there and was told yes, 6 spaces. He asked if the landscaping where the blue area is located is going to disappear. T. Cantin said on the landscaping in front of showroom, the depth will increase, and it will go full width of the showroom. They are going to discourage the use of this as the main entrance, as they want people to enter from the sides of building as they do now. Doing the front façade satisfies the requirements of Chevrolet.

S. Perley asked why this has to come out the 6 ft and was told that is the way it is designed. S. Perley said that they are so close to the road now, how can Chevrolet dictate this.



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R. Nadeau said Cantin they went through a 5 month process with Chevrolet. They tried to get variances from Chevrolet for some of their protocol. They only granted one on the tile finish, as they agreed it could be a safety issue.

The front is an important element to Chevrolet. There are 3 different sizes of this element, depending on how big the store is. They come to the site over a 2 week span to build this. T. Cantin said this is a staggering cost but it is their facility image, their brand on the product.

S. Perley asked if they don't budge on this could they lose their business. She was told that some franchises have gone before Chevrolet to ask permission not to do this because they are located in a historic district. If you don't meet their requirements, when their 5 year contract comes up for renewal, they look at it and say you are not compliant. They take everything into consideration. R. Nadeau said Cantin has to decide how to go - spend all this money, and then lose a dealership in 5 years. This is one whole big package; they are either all in or not.

T. Cantin said he is excited about the process. He is a third generation dealer here after his father and grandfather. He said he needs to look at what he needs to do from a business standpoint – how to help his employees, and the city. He thinks the facility now is neat and clean; this one proposed is neat, clean and modern and he feels it will enhance the area.

R. Nadeau said to take a look at the character of the neighborhood here. The houses are all closer to the road than this proposal. They have green space, 2 curbs here for safety, they are eliminating some parking spaces, and improving safety as some currently have to back into Union Avenue.

S. Perley asked what happens if the city does decide to widen the street. S. Saunders said in the past DPW had looked at the plans, but they could ask to take the structure down. DPW didn't feel this would impede into their future plans. R. Nadeau said she spoke to Paul Moynihan about future widening here, and was told there are no plans to do that. There are only a few properties that comply with the setback from the Galley Restaurant up to Cantin. She said this is an existing, conforming property, and they need to expand to some degree. If redeveloping an empty lot, it makes sense to meet setbacks and trees. This is not encroaching as much as the neighbors.

S. Bogert said this is just for a new face on the same building. T. Cantin said that the physical structure is being salvaged; they are doing a new interior, and putting a new face on the shell. They are expanding the front by less than 1000 ft. They are going up a bit, too. They are not utilizing the second floor now, but will be making use of the space now. The area involved is less than 2500 sq ft.

2011-0011, Street Trees: R. Nadeau said that having trees along display lines is not a good situation as they block display and drop leaves and sap on the autos. Bugs have also caused issues and they have had to paint the hoods and also need to divulge that information to prospective buyers; this is very costly. What makes a franchise viable is having a 90 day inventory. Chevrolet counts the vehicles. They need the inventory to be visible from Union Avenue. She showed the employee and client parking area. They already have street lights on the inside of the sidewalk area, facing down. There is no lighting in the rear due to residences. They have a chain link fence for security in that area because they have had vandalism in the past.

If putting trees in the front, they would lose the display row, which they are required to maintain. If placing trees in the rear, there is an issue with the existing fencing and they lose a row. They only have 2 vehicles in the showroom, as this has been historically been outdoor display. So much is dependant here upon the outdoor display.



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T. Cantin showed the truck sign and said that between that and the sign located on the main site, there are 8 spaces. S. Perley asked if those butt right up to the sidewalk and was told yes. There is an interior concrete curb, sidewalk, grass and more curb. With street trees, they are unsure how they could be placed due to the lights and the signage. They would lose at least the 8 parking spaces. With canopy trees they could lose more spaces. Traffic needs to circulate around for visibility. They would lose 8 of the most valuable spaces here.

S. Bogert asked him to explain the space here, in the front row. He asked for an explanation on how the spaces take up more room here than on the left side. He was told if they had canopy trees, they can't park here. S. Bogert asked what about low shrubs that would be below the bumper height.

S. Bogert said they are losing the green in front of the showroom. He said he feels there are power line issues here and asked if they could add some element of green here that would complement the show space. T. Cantin said they are losing green space in one area but adding in another. They will still have a green area across the front, and it stop on the edge of the property. They will actually be increasing. He said they have problems keeping the grass alive and looking nice here. S. Bogert asked how deep the area is and R. Johnson said 10 ft.

R. Johnson went over plans and showed the area in question.

Public: No one for the public spoke for or against the application.

Board: D. Greski said he is struggling with the sign; why can't it be flush. He said it is attached but not flush. S. Bogert said the branding here is to have the 3D effect. They were told that the front incorporates the electronics. M. Foote asked if the truck sign is in the area now and was told yes. He said that if they spoke with DPW and Planning, he is comfortable with the proposal.

M. Foote asked if the street trees aren't done is there something in the process that says money can be set aside and was told no by S. Saunders. If they are granted the variance, the process is done. D. Greski asked what about in the future; if they grant the variance does that override street trees forever and S. Saunders said yes; however they could put a condition that the variance goes with the business. R. Nadeau said they have no problem with that. D. Greski asked what about in 5 years, could we require trees be put in. S. Saunders pointed out that they granted a variance for the competitor so the precedent has been set.

S. Bogert said we worked with the other dealer to spot place some trees on their site and S. Saunders said this is a tighter lot, too. She said we can limit to this use; if the use changes from a car dealership, trees could be put back in. S. Bogert said he feels that the power lines are an issue here. PSNH comes through and cuts the trees and makes a mockery of them.

S. Bogert closed the hearing to the public.

Board: It was discussed that the board add the trees as a condition of approval as a rider to the business, not to the property.

Motion: 2011-0010, Setback: S. Bogert moved to approve application 2011-0010 for the setback.



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This is not contrary to the public interest as the encroachment is into the special 50 ft setback set aside for potential street widening and the applicant has been to Planning and DPW and they had no issues with this.

The spirit of the ordinance is observed as this is a long established business at this site. They are being mandated by Chevrolet to have the new sign element to create more visibility for the name. Granting the variance allows the owners of the property to continue doing business with Chevrolet at the car dealership. They are working with them and their new branding issues.

Substantial justice is done as the property owner can continue utilizing the site as a car lot and this will enhance the neighborhood by bringing the building up to date, both inside and out, giving it a fresher look. Some other businesses here have been updated, which is helping the image of the city.

The values of surrounding properties are not diminished as the building is being upgraded, which will improve values, and could help other businesses move into the area.

Literal enforcement of the ordinance would result in an unnecessary hardship due to the constraints of the building, which is right on the 50 ft setback. There is no fair and substantial relationship between the general public purpose of the ordinance and specific application of the provision to the property. The hardship comes in by trying to meet the contractual needs of Chevrolet, with the branded logo, and being constrained.

This is a reasonable use as this has been a car lot for some time and is going to remain a car lot. They are working with the corporation to ensure branding is carried on which will enable them to keep the dealership. This allows the applicant/owner to continue business as a car dealership under the Chevrolet brand.

S. Perley seconded the motion and all voted in favor of approval, 4-0

Application # 2011-0011
Cantin Chevrolet

MSL 388-220-6
623 Union Avenue

C Zone
Variance

The applicant is requesting a variance from 235-42 (E) (4) (c), street trees.

See the hearing above for details (2011-0010)

Motion: 2011-0011, Street Trees: S. Bogert moved to approve application # 2011-0011, street trees.

He said the variance will not be contrary to the public interest as there are no trees there now. There are power lines above the road way in this area. The trees would grow up into the power lines and be altered by the power company. The spirit of the ordinance is observed as the applicant is moving some plants/greenery around, so they are not losing any greenery.

Substantial justice is done in granting the variance. The City would prefer to see street trees but the property here doesn't lend itself to planting. Due to the type of business, trees would do substantial harm to the product here from sap, leaves and other droppings.



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The value of the surrounding properties is not diminished as there are currently no street trees here. Not requiring the Cantin dealership to plant the trees would not have an adverse affect.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. There is no fair and substantial relationship between the public purposes of the ordinance and the specific application of the provision to the property. This is a car dealership, with vehicles displayed along the front row. Planting of trees would create a hardship because of the damage that would be done to the vehicles.

This is a reasonable use of the property. It is currently a car dealership and there are no plans to change that.

The board also added the following as a condition of approval:

The variance for the street trees (2011-0011) will stay valid as long as the site is owned and operated as Cantin Chevrolet Inc and, upon the sale or change of the business, must return to the ZBA.

S. Perley seconded the motion and all voted in favor, 4-0.

MINUTES: S. Perley moved to approve the minutes from the ZBA meeting of April 18, 2011. S. Bogert seconded and all voted in favor, 4-0.

OTHER BUSINESS: None

ADJOURNMENT: S. Bogert made the motion to adjourn with the second by M. Foote. All voted in favor, 4-0, and the meeting adjourned at 10 pm.