

CITY OF LACONIA PLANNING BOARD

Tuesday, February 3, 2026 - 6:30 P.M.

City Hall - Armand A. Bolduc City Council Chamber

AGENDA

- 1. CALL TO ORDER**
- 2. MEMBERS IN ATTENDANCE**
- 3. RECORDING SECRETARY**
- 4. CITY STAFF IN ATTENDANCE**
- 5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING**

5.1. Planning Board

12/2/2025 prior meeting minutes

Documents:

[1216.PDF](#)

5.2. Planning Board

Planning Board Minutes 1/6/2026

Documents:

[JAN 6 MINS.PDF](#)

6. CONTINUED APPLICATIONS AND PUBLIC HEARINGS FOR FORMAL CONSIDERATION

6.1. PB2026-021 604 Endicott St N (128-252-3.1)

Applicant proposes to amend their previous site plan approval to increase the size and capacity of the stormwater detention pond.

Documents:

[PB2026-021_APPLICATION.PDF](#)
[PB2026-021_STORMWATER REPORT.PDF](#)
[PB2026-021_PLANS.PDF](#)
[SUPERIOR COURT ORDER 2023.11.20.PDF](#)
[SETTLEMENT AGREEMENT 2024.03.19.PDF](#)
[PINE HOLLOW OBJECTION 12-31-25 WITH ATTACHED ENGINEER REPORT.PDF](#)
[01-16-26 PINE HOLLOW CAMPGROUND SUPPLEMENTAL OBJECTION TO PB2026-021 604 ENDICOTT ST N SIGNED.PDF](#)

7. CONCEPTUAL REVIEW AND PRESENTATIONS

7.1. Lakes Region Planning Commission Presentation

7.2. PB2026-029; 5 Hilliard Road; Conceptual Review

Applicant proposes to utilize performance zoning and construct a 24-unit condominium structure.

Documents:

[PB2026-029_APPLICATION.PDF](#)
[PB2026-029_SITE PLANS.PDF](#)

7.3. PB2026-030; 59 Doe Avenue; Conceptual Review

Applicant proposes to utilize performance zoning and construct a 40-unit residential development.

Documents:

[PB2026-030_APPLICATION 59 DOE AVE.PDF](#)
[PB2026-030_SITE PLAN.PDF](#)
[PB2026-030_BUILDING.PDF](#)

8. NEW APPLICATIONS AND PUBLIC HEARINGS FOR FORMAL CONSIDERATION

8.1. Subdivision Regulations Amendment: Site Security and Third-Party Review

The proposed amendment includes revisions to Section 4.8, Site Improvement Security, Section 5.5, Special Investigative Studies, and all other relevant references to the Site Security and Third-Party Review processes.

Documents:

[SUBDIVISION REGULATIONS_CURRENT LANGUAGE.PDF](#)
[SUBDIVISION REGULATIONS_PROPOSED LANGUAGE.PDF](#)

8.2. Site Plan Review Regulations Amendment; Site Security and Third-Party Review

The proposed amendment includes revisions to Section 5.6, Site Improvement Security, Section 6.7.5, Third Party Peer Review, Section 6.8, Inspections and As-Built Plans, and all other relevant references to the Site Security and Third-Party Review processes.

Documents:

[SITE PLAN REGULATIONS_CURRENT LANGUAGE.PDF](#)
[SITE PLAN REGULATIONS_PROPOSED LANGUAGE.PDF](#)

9. PLANNING DEPARTMENT MONTHLY REPORT

9.1. PLANNING DEPARTMENT REPORT

Documents:

[PLANNING DEPARTMENT MONTHLY REPORT.PDF](#)

10. LIAISON REPORTS

10.1. CITY COUNCIL

10.2. LAKES REGION PLANNING COMMISSION

10.3. CONSERVATION COMMISSION

10.4. HISTORIC DISTRICT COMMISSION

11. OTHER BUSINESS

12. ADJOURNMENT

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the department at (603) 527-1264 at least 72 hours in advance so that the City can make any necessary arrangements.

CITY OF LACONIA
REGULAR PLANNING BOARD MEETING
December 16, 2025 - 6:30 PM
City Hall - Armand A. Bolduc Council Chamber
Draft Minutes

12/16/2025 - Minutes

1. CALL TO ORDER

The Chair Rich McNeil brought the meeting to order at 6:30PM

2. ROLL CALL

Scott Pelchat performed roll call in attendance. Gail Ober, Dave Ouellette, Bruce Cheney, Gary Dionne, Michael DellaVecchia, Rich McNeil, Jacob Roy. Absent from tonight's meeting Amy Lovisek.

3. RECORDING SECRETARY

Scott Pelchat Planner Technician.

4. STAFF IN ATTENDANCE

Planning Director Rob Mora, Assistant Planning Director Tyler Carmichael.

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

5.I. Minutes from 11/3/2025 Meeting

The Prior Meeting Minutes were accepted as written.

6. CONTINUED PUBLIC HEARINGS, CONSIDERATION, AND POSSIBLE VOTE

7. NEW PUBLIC HEARINGS, POSSIBLE CONSIDERATION, AND VOTE

7.I. PB2025-060; White Oaks Rd (218-241-3)

Jon Rokeh Summarized the proposal to allow for an 8 unit cluster Subdivision.

Bruce Cheney made the motion to approve the perimeter buffer waiver for application PB2025-060 for White Oaks Road. It was seconded by **Gary Dionne**. and was unanimous.

Bruce Cheney made the motion to approve the sidewalk waiver for application PB2025-060 for White Oaks Road. it was seconded by Gary Dionne and was unanimous.

Gail Ober made a motion to accept the application PB2025-060 for White Oaks Road as complete with the findings of fact as presented in the Staff Report." this was seconded by Bruce Cheney and was unanimous.

Jon continued the narration of the two waivers one for reduced buffers and one waiver to not create sidewalks. summarizing the necessity for the reduced buffer and to allow for more space between the units and the narrow driveline in and the wetlands as they exist on the parcel. Jon referenced that this cluster seated on a higher point of the lot was a reason as well. Jon's narration included abutting parcels as well. Jon stated the request for the sidewalk waiver would in affect keep a sidewalk to

nowhere from happening. Dave Ouellette inquired regarding the buffer and its true value expressing he thought it was 75 feet for cluster subdivisions. Tyler stated it is allowed to be reduced to 40 with a waiver. Gail asked if they attended con com it was found it was not required as no wetland impact was to happen. Bruce Cheney stated he agreed that a side walk made no sense but wondered if moneys could be placed into a fund for the City's right of way as it abuts the entrance to this cluster but no side walks exist there now. Maybe someday we can walk down the road Jon stated it would not be much 10 feet on each side. Bruce requested this be pushed and wanted it a s a condition of the waiver.

The board opened to public comment at 6:51PM Keith Dube 556 Weirs Blvd spoke in opposition to the proposal citing Langley Cove and the effects to the cove itself Keith at this time had pictures of the cove itself and referenced a study hat was done regarding the cove. For full narration see meeting video.

Randy Rockwood 618 White oaks road spoke in opposition citing views of condominiums and that everything is being built up around us. see video for full narration.

Public comment was closed at 6:59PM

Tyler Carmichael read the staff report into the minutes.

1. Perimeter Buffer waiver to allow for a 40-foot perimeter buffer.
2. Sidewalk waiver to permit no construction of sidewalks for the development.

Consistency with Land Use Regulations

In accordance with RSA 674:43, § 63-15 of the City Code authorizes the Planning Board to review and approve or disapprove site plans for multifamily developments.

Findings of Fact

1. The application is complete and consistent with State and City land use regulations.
2. The application and site plans were reviewed by the Technical Review Committee (TRC) at its May 20, 2025 meeting. After discussion with the Committee members, it was mutually agreed that the applicant would return for a second review by the TRC.
3. The application and revised site plans were reviewed by the Technical Review Committee (TRC) at its August 20, 2025 meeting. After discussion with the Committee members, it was mutually agreed that the applicant would return for a third review by the TRC.
4. The application and revised site plans were reviewed by the Technical Review Committee (TRC) at its September 16, 2025 meeting. After discussion with the Committee members, it was mutually agreed that the applicant would return for a fourth review by the TRC.
5. The updated application and revised site plans were reviewed by the Technical Review Committee (TRC) at its November 18, 2025 meeting. Their comments have been incorporated in the recommended conditions of approval.

1. PRECONSTRUCTION REQUIREMENTS

All conditions in this section must be completed at least two weeks prior to commencing any work on-site.

1. **Plan Revisions.** Plans must be revised and submitted to the Planning Department to include all revisions required by the Technical Review Committee.
2. **Site Security.** The applicant must submit one of the following performance guarantees for

site improvement and restoration security (including but not limited to street work, utility installations, landscaping, and final pavement) to the Planning Department:

3. Cash or check in an amount equal to 11% of the total estimated cost for all sitework to be placed into escrow and returned to the applicant upon completion of the project; or

4. A performance bond in an amount equal to the total estimated cost for all sitework with the City as the obligee.

5. **HOA Documents.** HOA documents must be submitted to the Planning Department for review and approval. These documents must reflect that the association will be responsible for the water service beginning at the water main valve and individual units will be responsible for their service from the curb stop in. Additionally, fire services will need to be included in these documents as well. These documents must be recorded at the Belknap County Register of Deeds at the applicant's expense.

6. **911 Addressing Plan.** The addresses for all units must be issued by the Department of Public Works to ensure compliance with RSA 231:133 and 133-a. A 911 addressing plan must be submitted to the Planning Department for review and approval.

7. **Permits and Approvals.** The applicant must possess all required permits and approvals granted by federal, state, and municipal boards or agencies. All permits and approvals must be in place prior to the signing and recording of the final plans and mylar. Should any permit or approval be revoked at any time during the project, all work must cease until a new permit or approval is obtained. Copies of all permits and approvals must be provided by the Applicant to the Planning Department.

8. **Final Plans and Mylar.** Four final plan sets and a mylar plan must be submitted to, reviewed, and approved by the Planning Department. The mylar plan and Notice of Action must be recorded at the Belknap County Register of Deeds at the Applicant's expense.

9. **Erosion Controls.** Erosion controls must be in place and inspected and approved by the Planning Department. The Planning Department will perform regular inspections to ensure erosion controls are installed and maintained correctly.

10. **Compliance Inspections.** The Planning Department will perform regular site inspections to ensure compliance with City regulations and the conditions of this approval.

11. **Preconstruction Meeting.** A preconstruction meeting must be held between the developer and representatives from the Departments of Public Works, Planning, Fire, Police, and Water. Unless otherwise specified, all escrow checks must be received by the respective departments no later than one week following the preconstruction meeting. All other requirements in this section must be completed prior to conducting the preconstruction meeting.

2. CONSTRUCTION REQUIREMENTS

All conditions in this section must be met during the construction of the project.

2. **Water specifications.** All specifications for municipal water service as required by the Water Department apply to all construction.

3. **Water Inspections.** The Water Department must inspect all work on all water main and service lines.

4. **Fire Specifications.** The Applicant must adhere to all specifications as required by the Laconia Fire Department.

5. **Solid Waste Services.** Private trash and recycling services are required. If a dumpster or trash can enclosure is used, it must be located on a concrete pad and screened from view on all sides.

3. POST-CONSTRUCTION REQUIREMENTS

All conditions in this section must be met prior to the issuance of any Certificate of Occupancy.

3. **Snow Storage.** Snow storage and/or removal must be provided by the owner so drainage structures function properly and the required parking spaces can be utilized.

4. **Impact Fees.** Impact Fees in the amount of \$3,814.80 per dwelling unit must be paid to the Planning Department.

COMPLETION DATE

The project and all associated conditions must be completed by no later than December 2, 2032. If all conditions are not met, nor any extension application filed with the Laconia Planning Department, by the completion date, this approval will be null and void.

5. SEVEN-YEAR EXEMPTION

In accordance with RSA 674:39, this project is exempt from all regulatory changes for seven years from the date of approval. This exemption shall only apply if the applicant commences active and substantial development of the property within 3 years from the date of approval. This project shall achieve active and substantial development when:

5. Site work and infrastructure improvements have commenced; and
6. 20% of the foundation permits are issued and active.

6. VESTING

In accordance with RSA 674:39, this project shall be considered vested upon substantial completion of the approved improvements. This project shall achieve substantial completion when:

6. 100% of the site work and infrastructure are complete; and
7. 80% of the Certificates of Occupancy are issued.

M. DellaVecchia moved to approve application PB2025-060 for White Oaks Road with the conditions of approval presented in the Staff Report it was seconded by **G. Dionne** and was approved 3 votes yes 2 votes no.

the Chair did not vote and the alternate was not seated as a voting member.

7.II. PB2026-020; 563 Weirs Blvd. (216-248-12)

Michael DellaVecchia moved to accept application PB2026-020 for 563 Weirs Blvd as complete with the findings of fact as presented in the Staff Report this was seconded by **Gary Dionne** and was accepted.

Jon Rokeh Summarized the proposal to amend the current plan to remove underground parking. using the new plan set to show the location of the area to be used for parking if the amendment is approved this would eliminate underground parking in two of the larger buildings and would cast it outside for outdoor parking. John showed the existing roadway and all original planned areas and then defined where this parking would be in accordance. Jon stated underground parking on a smaller building

The board opened to the public comment at 7:15PM Lynn Trepid 556 Weirs Blvd commented regarding the runoff calculations look good on paper and claimed current drainage is not working. please see video for full narration.

Keith Dube 556 Weirs Boulevard stating detention ponds and that these release dirty water and after these ponds were put in this caused the Langley cove problem. please see video for full narration.

Tyler Carmichael read the staff report into the minutes.

1. The application is complete and consistent with State and City land use regulations.

2. The original site plan was conditionally approved by the Planning Board at its July 10, 2018 meeting.

3. The application and site plans were reviewed by the Technical Review Committee (TRC) at its October 21, 2025 meeting. After discussion with the Committee members, it was mutually agreed that the applicant would return for a second review by the TRC.

4. The revised application and site plans were reviewed by the Technical Review Committee (TRC) at its November 18, 2025 meeting. Their comments have been incorporated in the recommended conditions of approval.

1. **Plan Revisions.** Plans must be revised and submitted to the Planning Department to include all revisions required by the Technical Review Committee.

2. **Final Plans.** Four final plan sets must be submitted to, reviewed, and approved by the Planning Department. These plan sets must include all amendments and revisions previously approved by the Planning Board and required by City, State, and Federal agencies.

Compliance Inspections. The Planning Department will perform regular site inspections to ensure compliance with City regulations and the conditions of this approval.

4. **Water Specifications.** All specifications for municipal water service as required by the Water Department apply to all construction.

5. **Water Inspections.** The Water Department must inspect all work on all water main and service lines.

6. **Fire Specifications.** The Applicant must adhere to all specifications as required by the Laconia Fire Department.

7. **Solid Waste Services.** Private trash and recycling services are required. If a dumpster or trash can enclosure is used, it must be located on a concrete pad and screened from view on all sides.

8. **Parking Delineation.** The required number of parking spaces must be delineated by paint, sign, or other method as approved by the Laconia Planning Department.

9. **Snow Storage.** Snow storage and/or removal must be provided by the owner so drainage structures function properly and the required parking spaces can be utilized.

10. **Completion Date.** The project and all associated conditions must be completed by no later than December 2, 2032. If all conditions are not met, nor any extension application filed with the Laconia Planning Department, by the completion date, this approval is null and void.

11. **Seven-Year Exemption.** In accordance with RSA 674:39, this project is exempt from all regulatory changes for seven years from the date of approval. This exemption shall only apply if the applicant commences active and substantial development of the property within 3 years from the date of approval. This project shall achieve active and substantial development when:

- 12. Site work and infrastructure improvements have commenced; and
- 13. 20% of the foundation permits are issued and active.

12. **Vesting.** In accordance with RSA 674:39, this project shall be considered vested upon substantial completion of the approved improvements. This project shall achieve substantial completion when:

- 13. 100% of the site work and infrastructure are complete; and
- 14. 80% of the Certificates of Occupancy are issued.

13. **Prior Conditions.** All conditions of previous Planning Board approvals which are not altered by this approval remain in effect.

G. Dionne moved to approve application PB2026-020 for 563 Weirs Blvd with the conditions of approval presented in the Staff Report this was seconded by **M. DellaVecchia** and was approved 3 votes yes to 2 Votes no.

The Chair and alternate did not vote.

7.III. PB2026-017; 18 Endicott St (162-40-5)

A motion was made by **Dave Ouellette** to accept the application as complete and was seconded by **Gail Ober**.

Alex Conrad from North Water Marine spoke regarding the proposal to amend a previous approval to allow for a the use of the previous area where currently the revamped valet program works better now. Alex summarized further to allow the board a full understanding of the proposal. This attempt would reduce foot traffic and increase safety on Chanell lane. Rich McNeil stated those buildings would go away and a parking area to be used per the amendment. Gail inquired about the current boat racks and if they were covered and Alex stated yes they are a three sided building with a roof. Gail stated no increase to impervious surface as these had slab foundations.

It was opened to public comment at 7:44PM Charlie St Clair spoke regarding this proposal and stated he felt it was great news and was in support of this and was very happy this was to happen. close to public at 7:45PM.

Tyler Carmichael read the Staff report into the minutes the staff report is referenced below.

1. The application is complete and consistent with State and City land use regulations.
2. The original site plan was conditionally approved by the Planning Board at its November 9, 2021 meeting.
3. The application and site plans were reviewed by the Technical Review Committee (TRC) at its October 21, 2025 meeting. After discussion with the Committee members, it was mutually agreed that the applicant would return for a second review by the TRC.
4. The revised application and site plans were reviewed by the Technical Review Committee (TRC) at its November 18, 2025 meeting. Their comments have been incorporated in the recommended conditions of approval.
 1. **Final Plans.** Four final plan sets must be submitted to, reviewed, and approved by the Planning Department.
 2. **Erosion Controls.** Erosion controls must be in place and inspected and approved by the Planning Department. The Planning Department will perform regular inspections to ensure erosion controls are installed and maintained correctly.
 3. **Compliance Inspections.** The Planning Department will perform regular site inspections to ensure compliance with City regulations and the conditions of this approval.
 4. **Snow Storage.** Snow storage and/or removal must be provided by the owner so drainage structures function properly and the required parking spaces can be utilized.
 5. **Completion Date.** The project and all associated conditions must be completed by no later than December 2, 2032. If all conditions are not met, nor any extension application filed with the Laconia Planning Department, by the completion date, this approval is null and void.

6. **Seven-Year Exemption.** In accordance with RSA 674:39, this project is exempt from all regulatory changes for seven years from the date of approval. This exemption shall only apply if the applicant commences active and substantial development of the property within 3 years from the date of approval. This project shall achieve active and substantial development when:

7. Site work and infrastructure improvements have commenced; and

8. 20% of the foundation permits are issued and active.

9. **Vesting.** In accordance with RSA 674:39, this project shall be considered vested upon substantial completion of the approved improvements. This project shall achieve substantial completion when:

10. 100% of the site work and infrastructure are complete; and

11. 80% of the Certificates of Occupancy are issued.

12. **Prior Conditions.** All conditions of previous Planning Board approvals which are not altered by this approval remain in effect.

M. DellaVecchia Made a motion to approve application PB2026-17 for 18 Endicott St using the finding of facts included in the staff report this was seconded by **G. Ober** and was approved unanimously The chair and alternate did not vote.

7.IV. PB2026-024; 84 Union Ave (442-220-10)

Dave Ouellette made a motion to accept application PB2026-024 for 84 Union Ave as complete with the findings of fact as presented in the Staff Report. **Gail Ober** seconded this motion.

Kevin Hayhurst spoke regarding the proposal to change the use from retail to healthcare facilities with no modifications or expansion of the current footprint of the existing structure.

It was opened to public comment and none was made.

The board asked if any change was to occur it was found to be no.

Tyler Carmichael read the staff report into the minutes.

1. The application is complete and consistent with State and City land use regulations.

2. The application and site plans were reviewed by the Technical Review Committee (TRC) at its November 18, 2025 meeting. The Committee had no recommended conditions of approval.

G. Ober made a motion to approve application PB2026-025 for 84 Union Ave. it was seconded by **D. Ouellette** and was approved unanimously

the Chair and alternate did not vote.

7.V. PB2026-025; 127 Belvedere St (344-21-43)

Mike DellaVecchia motioned to accept application PB2026-025 for 127 Belvedere St. as complete with the findings of fact as presented in the Staff Report. it was seconded by **Gary Dionne**

Mark Condodemetraky from GCE summarized the proposal to subdivide the existing parcel into two separate lots.

The board opened to public comment and Barry Warren spoke in opposition stating he submitted an email regarding this would become a smaller lot and the North St side.

Tyler clarified the relief from ZBA for the board and that any new structure that did not meet existing approvals would still need possible relief depending on the proposal.

G. Ober stated, I just had a quick question. Did this create two irregular size lots or just one new lot?

R Mora & T Carmichael. explained that this was already a non-conforming lot and will be creating two lots that are non-conforming.

G.Ober No. Okay. So, we added to the nonconformity. Okay.

Dave Ouellette asked for determination of location and that was given by the agent.

Tyler Carmichael read the staff report into the minutes.

1. The application is complete and consistent with State and City land use regulations.
2. At its October 20, 2025 meeting, the Zoning Board of Adjustment granted variances to allow for reduced side and rear setbacks, reduced greenspace, reduced lot size, and reduced road frontage.
3. The application and site plans were reviewed by the Technical Review Committee (TRC) at its August 20, 2025 meeting. Their comments have been incorporated in the recommended conditions of approval.
 1. **Plan Revisions.** Plans must be revised and submitted to the Planning Department to include the following:
 1. Remove mblu references for proposed lots and relabel them as "Lot 1" and "Lot 2."
 2. Proposed utility connections for the new lot
 2. **Final Plans and Mylar.** Four final plan sets and a mylar plan must be submitted to, reviewed, and approved by the Planning Department. The mylar plan and Notice of Action must be recorded at the Belknap County Register of Deeds at the Applicant's expense.
 3. **Impact Fees.** Impact Fees in the amount of \$3,814.80 per new dwelling unit must be paid to the Planning Department.
 4. **Completion Date.** The subdivision and all associated conditions must be completed by no later than December 2, 2032. If all conditions are not met, nor any extension application filed with the Laconia Planning Department, by the completion date, this approval is null and void.

G. Dionne motioned to approve application PB2026-025 for 127 Belvidere St. with the conditions of approval presented in the Staff Report. this was seconded by **M. DellaVecchia** and was approved unanimously.

The Chair and Alternate did not vote.

7.VI. Capital Improvements Plan

The Planning board made a motion to allow for the scoring results to go before city council for there review.

8. PRESENTATIONS

9. PLANNING DEPARTMENT REPORT

9.I. Planning department report

Rob Mora gave the Planning Department report.

9.II. TRC Draft Minutes

10. LIAISON REPORTS

Rich McNeil commented regarding the LRPC

11. CITY COUNCIL

12. LAKES REGION PLANNING COMMISSION

13. CONSERVATION COMMISSION

14. HISTORIC DISTRICT COMMISSION

15. OTHER BUSINESS

Bruce Cheney thanked the Board and staff for the time and attention to detail and the impact of what they do.

16. ADJOURNMENT

The Meeting was adjourned at 8:30PM

CITY OF LACONIA
REGULAR PLANNING BOARD MEETING
Tuesday, January 6th, 2026 - 6:30 PM
City Hall - Armand A. Bolduc Council Chamber
Draft Minutes

1/6/2026 - Minutes

1. CALL TO ORDER

Chair: C. St. Clair called the meeting to order at 6:30PM

2. MEMBERS IN ATTENDANCE

Gail Ober, Dave Ouellette, Rich MacNeill, Mike Conant, Gary Dionne, Michael DellaVecchia, Charlie St Clair, Amy Lovisek, and Jacob Roy (was seated by the Chair as a voting Member)

3. RECORDING SECRETARY

Planner Technician Scott Pelchat

4. CITY STAFF IN ATTENDANCE

Planning Director Rob Mora, Assistant Planning Director Tyler Carmichael.

5. ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

5.1. Minutes from the 12/16/2025 Regular Planning Board Meeting

G. Ober requested the minutes be tabled to allow for edits to be made to the minutes.

6. CONTINUED APPLICATIONS AND PUBLIC HEARINGS FOR FORMAL CONSIDERATION

6.1. PB2026-021; 604 Endicott St N (128-252-3.1)

6.1 PB2026-021; 604 Endicott St N (128-252-3.1)

G. Ober recused herself citing fiduciary relations with a abutter.

6.1 PB2026-021; 604 Endicott St N (128-252-3.1) C. St Clair asked if the application was ready for acceptance. **PB2026-021 604 Endicott St** an amendment to the application Staff stated it was ready for acceptance.

C. St Clair sought a motion to accept this application M. DellaVecchia motioned to accept application PB2026-021 an amendment to the site plan for 604 Endicott St it was seconded by G. Dionne and was accepted with 7 votes.

Agent E. Wood introduced himself as well as Engineer M. Focareto. E. Wood stated regarding what you have been asked to do, this came before the planning board in 2023 it was approved by the planning board and appealed to superior court. The order from superior court as you can see in the staff report was to remand it, but what happened is it got appealed to the supreme court and supreme court asked us to go to mediation. We reached a settlement agreement which you have a copy of. And that settlement agreement functionally required that we undertake different activities related to the storm water detention and ensure that any water that may get displaced because of the building is routed to

the storm water detention area. E. Wood stated that the Abutter Pine Hollow Campground was the party that had sued the City of Laconia. E Wood stated a review period of 60 days was given to allow their engineer to review and we submitted the amendment to the site plan pursuant to the settlement agreement thereafter. E Wood referenced conditions that need to be included. And summarized "what we are asking you to do now is approve the amendment to the site plan which increases the size of the detention area, puts gutters on the buildings that route the water into the detention area and then increases the amount of green space". C. St Clair asked E. Wood, have you gone over this with your neighbors. E. Wood stated the agreement that was reached between the City of Laconia and my client and the abutter who sued has been complied with completely. M. DellaVecchia there is a map, yes M. Focaretto brought up the map to allow the board to see the proposed amendment to the site plan. C. St Clair if the pond was to overflow where does that water go? E. Wood so it would be challenging for that pond to overflow. M. Focaretto stated it's important to understand what the water is doing before it reaches the retention pond. water cascades across Endicott St onto the subject parcel and around two buildings as it travels to the lower graded area behind the subject property. G. Dionne when the original approval was May 3rd, 2023, this was stated by T Carmichael and E. Wood. D. Ouellette, the overflow pipe and its location M Focaretto answered we were asked to move it as far as possible. to change it from a pipe style to a weir style to allow for flat discharge. This came from the agreement. M Focaretto and G. Dionne discussed the Weir for the discharge system. J. Roy inquired regarding the flow rate calculations it was found it was run twice with the latest calculations being submitted on January 13, 2025. This was confirmed by R. Mora and by E. Wood.

Planning Chair C. St Clair opened to public comment at 6:51PM

Attorney Michael Tierney spoke on behalf of his client Pine Hollow Campground. M. Tierney greeted the board and inquired regarding the two letters he sent regarding this proposal. The attorney stated that site plans should be reviewed in their entirety and that with this amendment this board should make the applicant show each use that exists on the property as well as all calculations that may be needed for the entire property. The attorney stated Stormwater, Parking, and lighting as aspects that may affect his client's property. Michael spoke for a period in opposition to this amendment to see video for full narration. R. MacNeill, a question for you. So, you're saying that their construction will increase the water flow? Michael No, I'm saying that they have not shown that they will not increase the flow.

R. MacNeill, are prefilters required it was found to be no. T. Carmichael, what happened is the board approved the site plan in 2023 as they had mentioned. They appealed to the Belknap superior court. The Belknap superior court did affirm portions of the site plan which they can do and then they remanded only the storm water portion back to the planning board. The only thing the court had questions about was storm water. that was basically going to come back to the board anyways had they not further appealed to the Supreme Court for the board to make additional findings of why they approved the storm water mitigation.

C. St Clair getting back to the lighting, wasn't the lighting normally a consideration the lighting is pointing down and not out or up. T. Carmichael Yes, security lighting is exempt from our lighting regulations as well. But I will say that again the original site plan was approved by the board which includes parking, traffic, lighting, everything in the regulations that comes before your jurisdiction was already approved. The only thing that the court asked the board to look at again was storm water mitigation, which is why it's back before you know. The only thing that the court had confusion over was storm water which they then appealed to the Supreme Court which led to the mediated settlement agreement which we've included in our conditions the conditions that the agreement says we needed to include. Michael Tierney disagreed with Tyler. C. St Clair, it sounds like that's what's been done. You're saying that was already done except for the storm water. T. Carmichael was decided on the superior court. They have appealed to the Supreme Court. However, at the Supreme Court R. Mora, I agree with Tyler in every statement that he's made in our discussions with our own legal counsel, what the states is to our best recollection. We are not lawyers by any chance. it is accurate to the best of our knowledge. back to the pre-treatment uh that refers to the 2008 New Hampshire storm water manual volume two.

D. Oullette those are labeled as best practices. G. Dionne, I do not recall seeing anything in your packet about the court decisions. Were those available? R. Mora they are available. They are in the

property file. We are more than capable of getting them or sending out copies to the board. Whatever the board desires, we can provide. C. St Clair. I don't know how we can decide if we get all these questions out there and we're still missing something that You think may or may not help us. Dionne, we have two different legal opinions, and we are trying to decide who, if either, is right. And having seen the court decision. I do not know from what quoting is whether that is so or not so since I haven't read it. I mean, I've seen I thought it was a little more straightforward having read the settlement agreement, but uh if there's other issues there regarding both the Superior Court and Supreme Court decisions, I wouldn't mind seeing those before I make any decisions. C. St Clair That seems reasonable. G. Dionne So perhaps I do not know if you want to continue with the hearing. R. Mora, if I may we want to finish the hearing and listen to any comment and then we can conclude after the public hearing. G. Dionne perhaps we will bring it back at another date to look at more documents. B. Heavey, owner of Pine Hollow Campground, spoke in opposition to this amendment to the approved site plan citing these concerns Storm Water, Parking and Lighting please see the full video for all comments provided by the abutter. M. Focaretto rebutted some of the comments. G Dionne. but if their decisions, I wouldn't mind seeing those before I make any decisions. C. St Clair That seems reasonable. G. Dionne So perhaps I do not know if you want to continue with the hearing. R. Mora, if I may do you want to finish the hearing and listen to any comment and then we can conclude after the public recesses the hearing and calls it back to another date after we have had a chance to look at more documents. E. Wood the comments regarding drainage. I just wanted to give clarity to some of the comments from the other engineer on the drainage. Are you going to show the new plan? I will. Okay. I am going to start with the existing. All right. So, the couple of comments that the other engineer had made. one was that we under showed or under or over evaluated the impervious amount on the existing conditions. And what he is saying is that there's some clarity I know that the drainage is contentious but what he's saying is on my post analysis on my pre-analysis of my hydro cad I showed this whole area being gravel and his comment is your existing conditions don't show that well our surveyor did not look at this land Like an engineer does he went out there and he said this clean gravel here and there's some weedy areas here and some clean gravel there and he shots as and when he when he drafted it up he drafted up gravel area gravel area when I went out there to look at it is compacted like people are parking on it as they're saying as this is a loading dock and they drive from this gravel to that gravel it is acting like impervious I modeled it as I saw it the most accurate way I can I did not make any revisions to the existing conditions plan. I did not see it to be necessary. I thought that the precondition I showed it the post condition. It was clear and fundamentally correct, and the engineer agreed with that. The other comment that the engineer had was that I missed a portion of pavement coming off the roadway which is not shown here. It would be somewhere over here. And he is right about that. It is about couple of parking spaces worthy of pavement, but it was missing in the precondition as well as the post condition. So, the effect is null. It is the same amount of water as I'm measuring coming in before we do anything, the same amount as measuring afterwards. So, he is looking for technicalities. That is what he found. But he agreed with the fact that this will not increase flow onto the property. And the last thing is to respond to the abutter's comment about um stating that zero water will come out of this pond. The storm water goal, the design storm water design goal is not to stop all water from leaving the site that would starve wetlands and have adverse effects. What we want to do is have the same amount of flow or just less of what is happening before work is done after work is done. So, there's really no difference of a new construction of a building being there and we have achieved that. We achieved it on the first submission that was approved and we achieved it again with a resubmission after we made the adjustments per the settlement agreement. So, those are the only outstanding questions that they had brought up about the drainage. I think they are technical and nitpicky, but they are fundamentally correct.

C. St Clair, Okay. Thank you. E Wood, do you have any questions. M Focaretto, I am happy to hear comments. E. Wood, it is important to remember how we got here and that it is an approved of the plan. That plan appealed to the Superior Court. The superior court made decisions and then the abutter appealed it to the supreme court. They appealed to them the entire decision by the superior court.

When we went to mediation, we produced this settlement agreement. They had an opportunity to ask for anything else. They could have asked for parking. They could have asked for whatever they wanted. This is what they asked for. This is what we gave them. This is the agreement we reached. And this is the entire settlement. Your job as the board is to look at this settlement agreement and say this amendment to this site plan based on this settlement agreement, are we approving it or not? C. St Clair, do you know where the property line is? E Wood, but I am not a surveyor. C. St Clair and the agent and engineer discussed pins monuments and markers regarding the subject property. C. St. Clair

stated However, I agree with Gary. We are missing something that would make it easier for us to understand the court's decision. R. Mora advised So if I may, C. St Clair, please. If the board decides to table the application, can the board be clear with both applicants and staff of what they would like to move forward for the board to make decisions? C. St Clair G. Dionne R. Mora spoke regarding tabling the application to the next meeting to allow for further review of the court documents and to allow the City's Legal advice to be conveyed to the board.

Planning Chair C. St Clair closed to public comment at 7:37 PM

G. Dionne Motioned to table this application to the February 3rd Planning Board Meeting 6:30 PM and requested the planning department provide the board with the superior court ruling and Supreme court mediated settlement agreement. This motion was seconded by A. Lovisek and was voted 7 votes to table

and G. Ober was recused during the vote.

7. NEW APPLICATIONS AND PUBLIC HEARINGS FOR FORMAL CONSIDERATION

7.1. PB2026-022 1206 Old North Main St. (974-404-7)

Staff discussed with the board that the applicant would like to table their application until they have a chance to make some significant changes. The application was tabled at the applicant's request.

8. CONCEPTUAL REVIEW AND PRESENTATIONS

8.1. Conceptual Review; 1085 White Oaks Road (163-241-8)

Attorney J. Cronin presents conceptual application for 1085 White Oaks Road and introduces owner and staff; Peter Grenier, Tony Dionne, Nick Loring, and Justin Kiernan. J. Kiernan presents redevelopment Plan to the Planning Board. Discusses that they are still in the conceptual phase and looking for feedback from the Planning Board, before formals submission and going to the Technical Review Committee.

Planning Board members discuss parking, traffic ingress/egress, State DOT permit requirement on Endicott St E, School Bus Routes and Stops, Seasonal vs Year-round use, and lighting. A board member was also in favor of doing a site walk. There was concern on whether the single-family homes along White Oaks Rd would be accessed internally or via White Oaks Road. Board also clarified that the proposed unit count was 150 and that White Oaks Road currently seeing a lot of development.

9. PLANNING DEPARTMENT MONTHLY REPORT

R. Mora presented the monthly report to the Planning Board.

10. LIAISON REPORTS

10.1. CITY COUNCIL

10.2. LAKES REGION PLANNING COMMISSION

The Board discussed Lakes Region Planning Commission and having them come and do a presentation.

10.3. CONSERVATION COMMISSION

R. Mora explained to the board that we received our quote from NH DES for MILFOIL / Herbicide

treatment. The grant will now be forwarded to City Council for final approval.

10.4. HISTORIC DISTRICT COMMISSION

R. Mora Discussed that once the Mayor appoints a new Councilor to Historic District Commission that the commission would resume.

11. OTHER BUSINESS

12. ADJOURNMENT

G. Ober made a motion to adjourn, it was seconded by M. DellaVechia; the board voted unanimous to adjourn. Meeting adjourned at 8:45 PM.

DRAFT



Application(s) #: PB2020-021

Fees Paid: \$ 270.00
Check #: 110479
Receipt #: _____

PLANNING BOARD APPLICATION

Project Name: Tiki Plaza

Project Address: 604 Endicott Street North, Laconia, NH 03246

Tax Map/ Lot # (s): 128/252/3.1 Zoning District (s): CR Parcel Size Acres: 1 acre

Number of Lots: _____ Total Developed Land Area: 1 acre Building(s) and/or additions Total Sq. Ft. _____

Submittal Request (Check all that apply):

- Alternative Parking CUP
- Amendment
- Boundary Line Adjustment
- Boundary Line Agreement
- Change of Use
- Cluster Development CUP
- Cluster Subdivision
- Condominium Subdivision
- Conventional Subdivision
- Discretionary Easement
- Marinas and Yacht Club CUP
- Minor Site Plan
- Performance Zoning CUP
- Site Plan (Commercial)
- Site Plan (Multi-family)
- Steep Slope CUP
- Wetland/Wetland Buffer CUP
- Other _____

Proposal Description: This application is for the construction of a 2,700 s.f. metal building. The proposed building will be located behind the existing rental building. The proposed building will be used by a landscape company or storage.

I hereby make application to the City of Laconia for the above-referenced property(ies) and the development as described. To the best of my knowledge the information provided herein is accurate and is in accordance with the Zoning Ordinance and land use regulations of the City, except where waivers are requested. The City of Laconia Planning Board, Minor Site Plan Committee, Technical Review Committee and/or city employees are authorized to enter the property(ies) for purposes of reviewing this proposal and for inspecting improvements as a result of an approval of this proposal. I understand that I am responsible for appearing, or having someone appear on my behalf, at any and all meetings before the Planning Board, Minor Site Plan Committee or Technical Review Committee.

Sign as appropriate (If agent or non-person please attach certification)

NOTE: Please attach an Applicant Contact Worksheet

	PROPERTY OWNER 1	PROPERTY OWNER 2	AGENT / APPLICANT
Printed Name:	<u>Donald Gagnon</u>	_____	<u>Ethan G. Wood, Esq.</u>
Signature:		_____	
Date:	<u>10/15/25</u>	_____	<u>10/15/25</u>



DEPARTMENT OF PLANNING, ZONING & CODE
 45 BEACON STREET, EAST
 ☎603-527-1264
 📠603-524-2164

CERTIFIED LIST OF ABUTTERS

RSA 672:3 "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

The following information must be completed by the applicant in order to begin the application process to the Planning Board or Zoning Board of Adjustment. Below, list the verified names and mailing addresses of the applicant, authorized agent(s), engineer, architect, land surveyor, soil scientist, consultant, abutter, holders of conservation easements or restrictions on adjacent lands, municipal/regional planning commissions (if a regional notice is required), associations, etc., not more than five (5) days prior to submission, per RSA 676:4,I(b). Abutters' names and mailing addresses must be verified against the records kept in the Laconia Assessor's Office. Attach additional copies of this form if necessary. Include an addressed #10 envelope and certified mail receipt for each person/professional listed below.

Map/Block/Lot	Name of Property Owner/Professional	Mailing Address of Owner/Professional
128-252-3.1	Donald Gagnon - Owner	46 Lucerne Ave, Laconia, NH 03246
	Engineer, Kent Brown, P.E.	Brown Engineering, P.O. Box 703 Ashland, NH 03217
	Surveyor, Kevin French, L.L.S.	581 School Street, Rumney, NH 03266
	Agent, Ethan G. Wood, Esq.	Normandin, Cheney & O'Neil, PLLC, P.O. Box 575 Laconia, NH 03247
126-252-2	Pine Hollow Campground	P.O. Box 745, Natick, MA 01760
128-252-3	Hayhurst Realty, LLC	20 Shane Way, #6, Laconia, NH 03246
128-252-4	Weirs Sports Center, Inc.	P.O. Box 5428, Laconia, NH 03247

Name of Person Preparing List Ethan G. Wood, Esq. Date Prepared _____
 Preparer's Signature *Ethan G. Wood* Date 6/15/25

***Fee per Abutter \$10.00**

ABUTTERS LIST
Tax Map 128-252-3.1

Donald Gagnon
46 Lucerne Avenue
Laconia, NH 03246

Owner

Weirs Sports Center, Inc.
P.O. Box 5428
Laconia, NH 03247

Tax Map 147-030-000

Hayhurst Realty, LLC
20 Shane Way #6
Laconia, NH 03246

Tax Map 128-252-3

Pine Hollow Campground
P.O. Box 745
Natick, MA 01760

Tax Map 126-252-2-086

Kevin French, L.L.S.
French Land Services, Inc.
581 School Street
Rumney, NH 03266

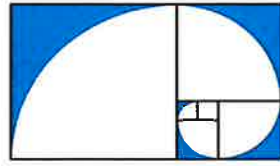
Surveyor

Kent Brown, P.E.
Brown Engineering,
P.O. Box 703
Ashland, NH 03217
(603) 744-1044

Engineer

Attorney Ethan G. Wood
Normandin, Cheney & O'Neil, PLLC
213 Union Avenue
Laconia, NH 03246
(603) 524-4380
ewood@nco-law.com

Applicant / Agent



**BROWN
ENGINEERING**

63 West Street – PO Box 703
Ashland, NH 03217
Phone (603) 744-1044
www.browngineeringllc.com

STORMWATER MANAGEMENT ANALYSIS REPORT

Tiki Plaza

Tax Map 128 Block 252 Lot 3.1

64 Endicott Street

Laconia, New Hampshire

Date:

March 31, 2023

Revised: January 13, 2025

Prepared for:

Tiki Plaza LLC

34 Lucerne Ave

Laconia, New Hampshire 03246

STORMWATER MANAGEMENT REPORT

Tiki Plaza - Map: 128 Block 252 Lot: 3.1

Overview of the Project:

The Proposed Site Plan is to construct a 2,700 square foot building in the rear of the existing building located at 64 Endicott Street

Methodology

In order to take various characteristics and physical properties into account when preparing a model of actual conditions, and to better manage the numerous values and specific information for each watershed, computer aided design software was used. HydroCAD (v10.0) software was used to model specific watershed areas and provide a complete set of calculations to demonstrate the performance of these areas under a variety of conditions. The software is based on the widely accepted and practiced SCS TR-20 model and is used to develop peak rates of runoff, perform stage-storage-discharge calculations, and other hydraulic analysis for various rainfall events. All calculations are carried to the control points, which are intended to simulate a positive outfall in order to accurately compare and account for project impacts.

The analysis was performed using the 2-, 25-, and 50-year storm frequencies over a Type III 24-hour storm duration. The hydraulic conditions that result from rainfall associated with these events were analyzed for a comparison of the existing peak rate and volume of runoff to post-development conditions.

The storm event rainfall amounts are derived using the Northeast Regional Climate Center, Extreme Precipitation Tables (attached herewith) provided by Cornell University.

Evaluation of Existing Conditions

An on-ground survey was conducted by this office to obtain the existing topography in conjunction with lidar provided by UNH. The soils were mapped using the USDA Natural Resources Conservation Service, Web Soil Survey.

The site consists of one parcel known as Tax Map 128 Block 252 Lot 3.1 located off at 64 Endicott Street, Laconia, NH. The site cover is currently mostly impervious with a consistent slope from east to west. The soils on site consist of Henniker fine sandy loam and Metacomet fine sandy loam. Both of these soils are classified as hydraulic soil group C.

The site naturally drains from east to west, running off site onto two abutting properties. A point of analysis has been created for each of the abutters. Stormwater runoff is analyzed at the subject parcel property line to ensure there is no adverse effects on the abutting properties.

STORMWATER MANAGEMENT REPORT

Tiki Plaza - Map: 128 Block 252 Lot: 3.1

Evaluation of Proposed Conditions

The proposed work to be done is the erection of a 60' x 45' (2,700 sf) garage building. The existing driveway and parking area associated with the proposed building will be regraded to ensure the stormwater overland flow will enter the proposed stormwater management basin.

The general flow direction of the stormwater flow remains unchanged from the existing condition to the proposed post construction condition.

Table 1: Summary of Flow Rates

REACH -1

Western Property Line

Storm Frequency	Pre-development Peak Flow (c.f.s)	Post-development Peak Flow (c.f.s)
2-Year	2.62	0.54
25-Year	5.31	4.25
50-Year	6.37	5.88

REACH -2

Northern Property Line

Storm Frequency	Pre-development Peak Flow (c.f.s)	Post-development Peak Flow (c.f.s)
2-Year	0.93	0.81
25-Year	2.01	1.72
50-Year	2.44	2.07

STORMWATER MANAGEMENT REPORT

Tiki Plaza - Map: 128 Block 252 Lot: 3.1

Summary

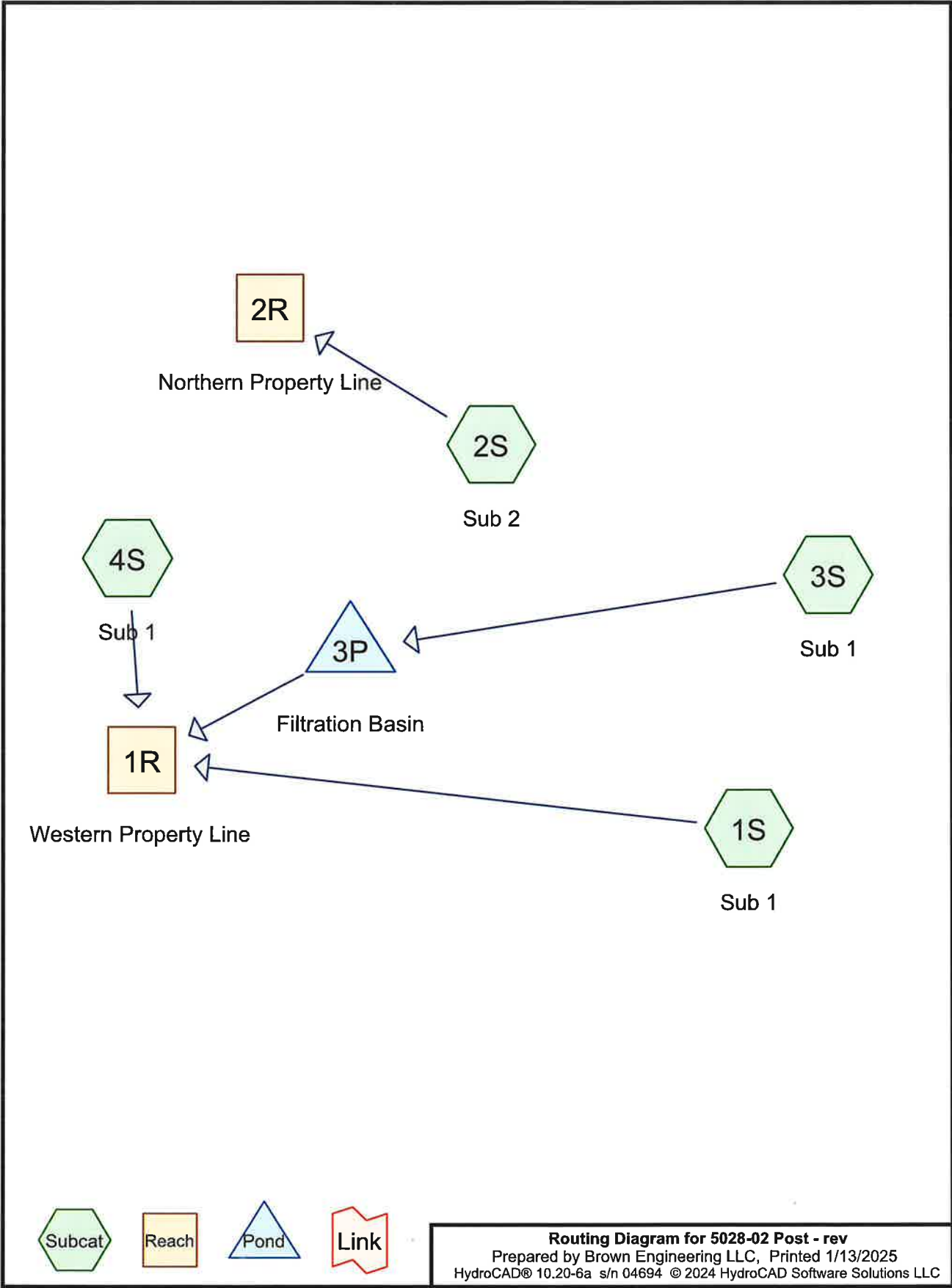
STORMWATER BASINS:

The type of stormwater basin implemented in the site design is a filtration basin. The filtration basin has been sized for the 25-year storm event and can handle a 50-year storm event without overtopping. In order to account for the slow percolation rate of the parent material, the pond has been enlarged to increase the surface area, ultimately increasing the infiltration abilities of the pond.

The proposed pond will treat the stormwater runoff and is effective in phosphorous and nitrogen load reductions. The pond will also act as a detention basin which is instrumental in the balancing of flow rates between the existing conditions and the proposed conditions.

CONCLUSION:

The proposed site development by Tiki Plaza LLC. will not create any adverse effects downstream in storm water flow rates or quality.



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Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	2-Year	Type III 24-hr		Default	24.00	1	2.73	2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.468	74	>75% Grass cover, Good, HSG C (1S, 2S, 3S, 4S)
1.233	98	Impervious (1S, 2S, 3S)
1.702	91	TOTAL AREA

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Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
0.000	HSG B	
0.468	HSG C	1S, 2S, 3S, 4S
0.000	HSG D	
1.233	Other	1S, 2S, 3S
1.702		TOTAL AREA

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Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	0.000	0.468	0.000	0.000	0.468	>75% Grass cover, Good	1S, 2S, 3S, 4S
0.000	0.000	0.000	0.000	1.233	1.233	Impervious	1S, 2S, 3S
0.000	0.000	0.468	0.000	1.233	1.702	TOTAL AREA	

5028-02 Post - rev

Type III 24-hr 2-Year Rainfall=2.73"

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Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Sub 1 Runoff Area=10,587 sf 36.67% Impervious Runoff Depth>1.14"
Tc=6.0 min CN=83 Runoff=0.34 cfs 0.023 af

Subcatchment2S: Sub 2 Runoff Area=17,730 sf 67.54% Impervious Runoff Depth>1.63"
Tc=6.0 min CN=90 Runoff=0.81 cfs 0.055 af

Subcatchment3S: Sub 1 Runoff Area=45,163 sf 83.83% Impervious Runoff Depth>1.97"
Tc=6.0 min CN=94 Runoff=2.40 cfs 0.171 af

Subcatchment4S: Sub 1 Runoff Area=646 sf 0.00% Impervious Runoff Depth>0.67"
Tc=6.0 min CN=74 Runoff=0.01 cfs 0.001 af

Reach 1R: Western Property Line Inflow=0.54 cfs 0.102 af
Outflow=0.54 cfs 0.102 af

Reach 2R: Northern Property Line Inflow=0.81 cfs 0.055 af
Outflow=0.81 cfs 0.055 af

Pond 3P: Filtration Basin Peak Elev=718.93' Storage=3,948 cf Inflow=2.40 cfs 0.171 af
Discarded=0.04 cfs 0.032 af Primary=0.44 cfs 0.078 af Outflow=0.48 cfs 0.109 af

Total Runoff Area = 1.702 ac Runoff Volume = 0.250 af Average Runoff Depth = 1.76"
27.53% Pervious = 0.468 ac 72.47% Impervious = 1.233 ac

Summary for Subcatchment 1S: Sub 1

Runoff = 0.34 cfs @ 12.10 hrs, Volume= 0.023 af, Depth> 1.14"
 Routed to Reach 1R : Western Property Line

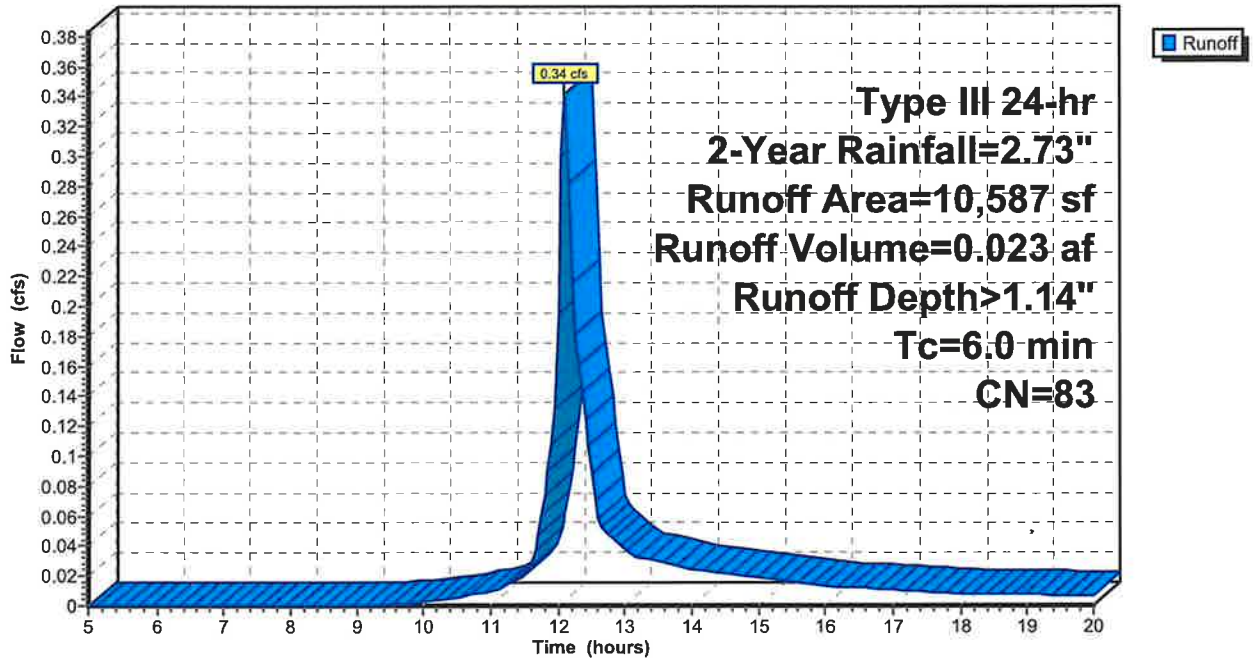
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 2-Year Rainfall=2.73"

Area (sf)	CN	Description
* 3,882	98	Impervious
6,705	74	>75% Grass cover, Good, HSG C
10,587	83	Weighted Average
6,705		63.33% Pervious Area
3,882		36.67% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 1S: Sub 1

Hydrograph



5028-02 Post - rev

Type III 24-hr 2-Year Rainfall=2.73"

Prepared by Brown Engineering LLC

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Summary for Subcatchment 2S: Sub 2

Runoff = 0.81 cfs @ 12.09 hrs, Volume= 0.055 af, Depth> 1.63"
Routed to Reach 2R : Northern Property Line

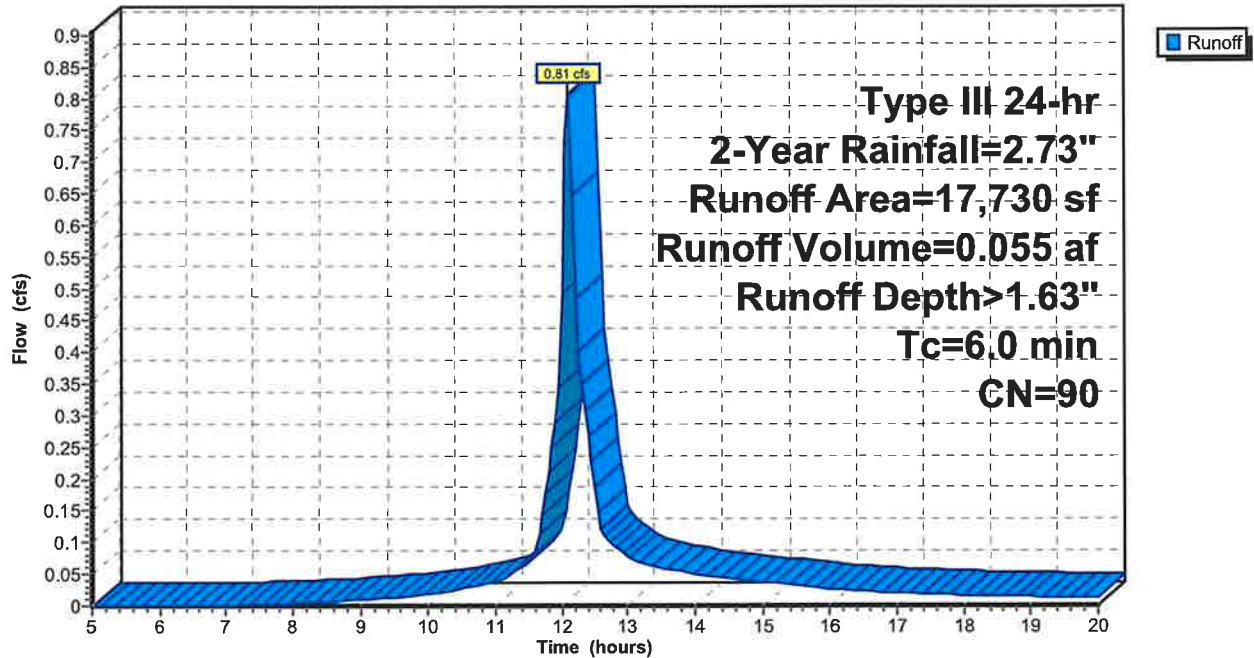
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 2-Year Rainfall=2.73"

Area (sf)	CN	Description
11,975	98	Impervious
5,755	74	>75% Grass cover, Good, HSG C
17,730	90	Weighted Average
5,755		32.46% Pervious Area
11,975		67.54% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 2S: Sub 2

Hydrograph



Summary for Subcatchment 3S: Sub 1

Runoff = 2.40 cfs @ 12.09 hrs, Volume= 0.171 af, Depth> 1.97"
 Routed to Pond 3P : Filtration Basin

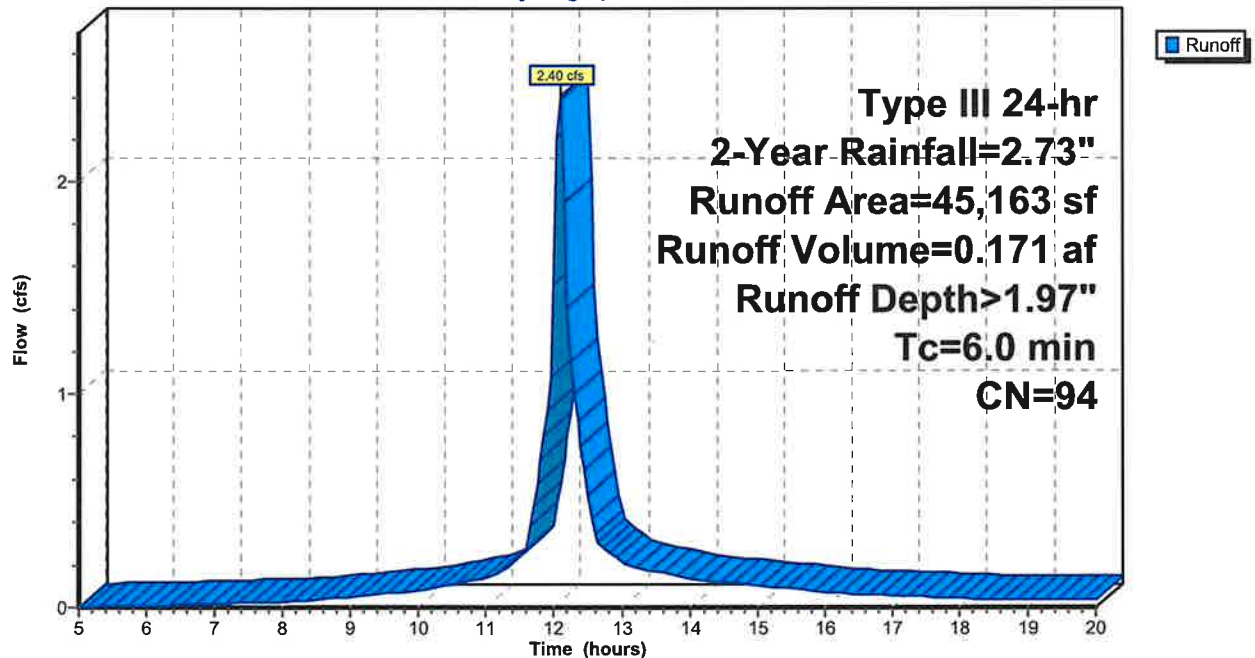
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 2-Year Rainfall=2.73"

Area (sf)	CN	Description
37,862	98	Impervious
7,301	74	>75% Grass cover, Good, HSG C
45,163	94	Weighted Average
7,301		16.17% Pervious Area
37,862		83.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3S: Sub 1

Hydrograph



Summary for Subcatchment 4S: Sub 1

Runoff = 0.01 cfs @ 12.10 hrs, Volume= 0.001 af, Depth> 0.67"
 Routed to Reach 1R : Western Property Line

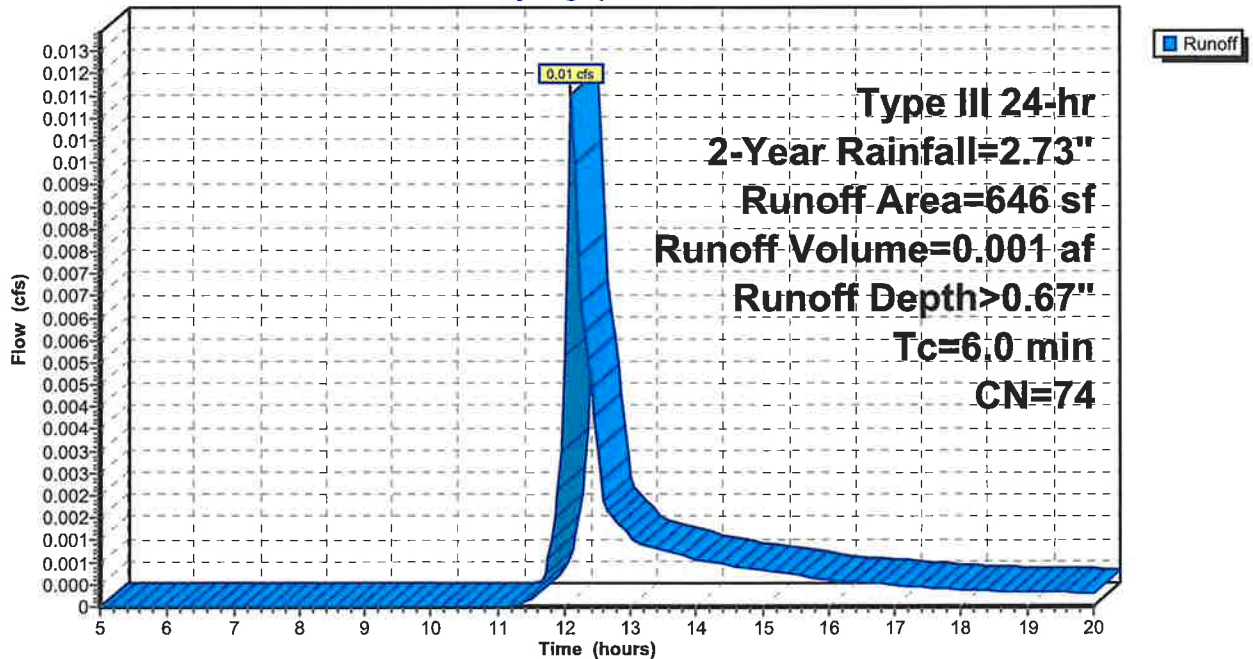
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 2-Year Rainfall=2.73"

Area (sf)	CN	Description
646	74	>75% Grass cover, Good, HSG C
646		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4S: Sub 1

Hydrograph



Summary for Reach 1R: Western Property Line

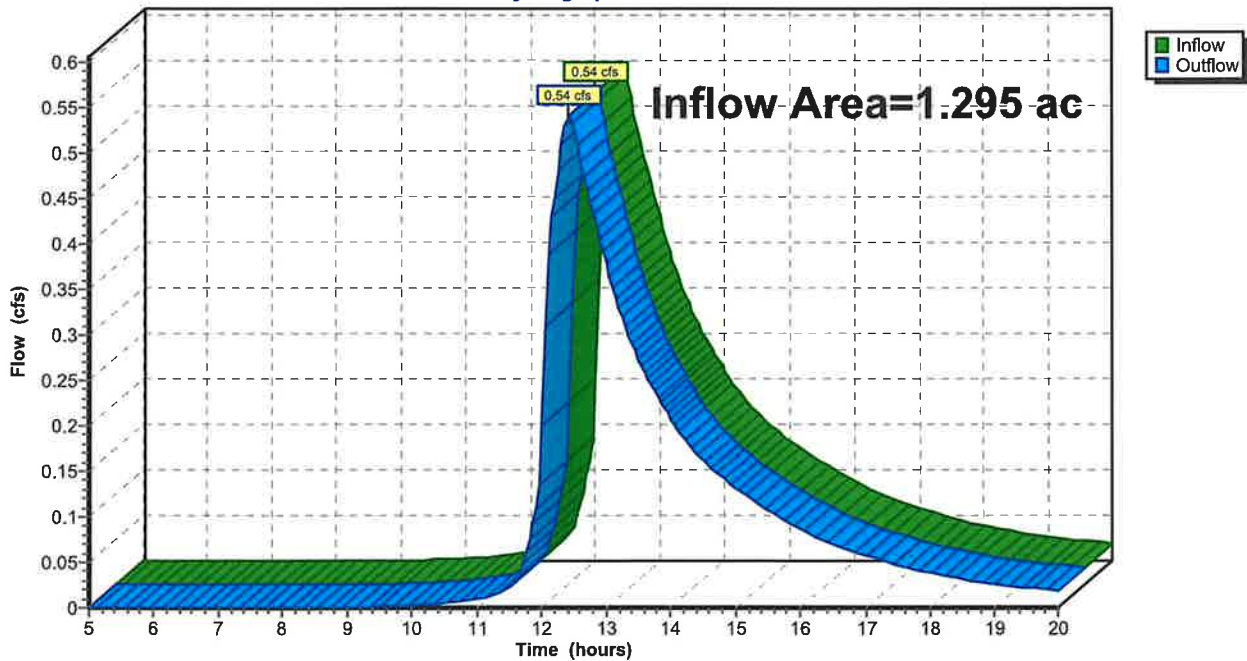
[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.295 ac, 74.02% Impervious, Inflow Depth > 0.94" for 2-Year event
Inflow = 0.54 cfs @ 12.42 hrs, Volume= 0.102 af
Outflow = 0.54 cfs @ 12.42 hrs, Volume= 0.102 af, Atten= 0%, Lag= 0.0 min
Routed to nonexistent node 5R

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Reach 1R: Western Property Line

Hydrograph

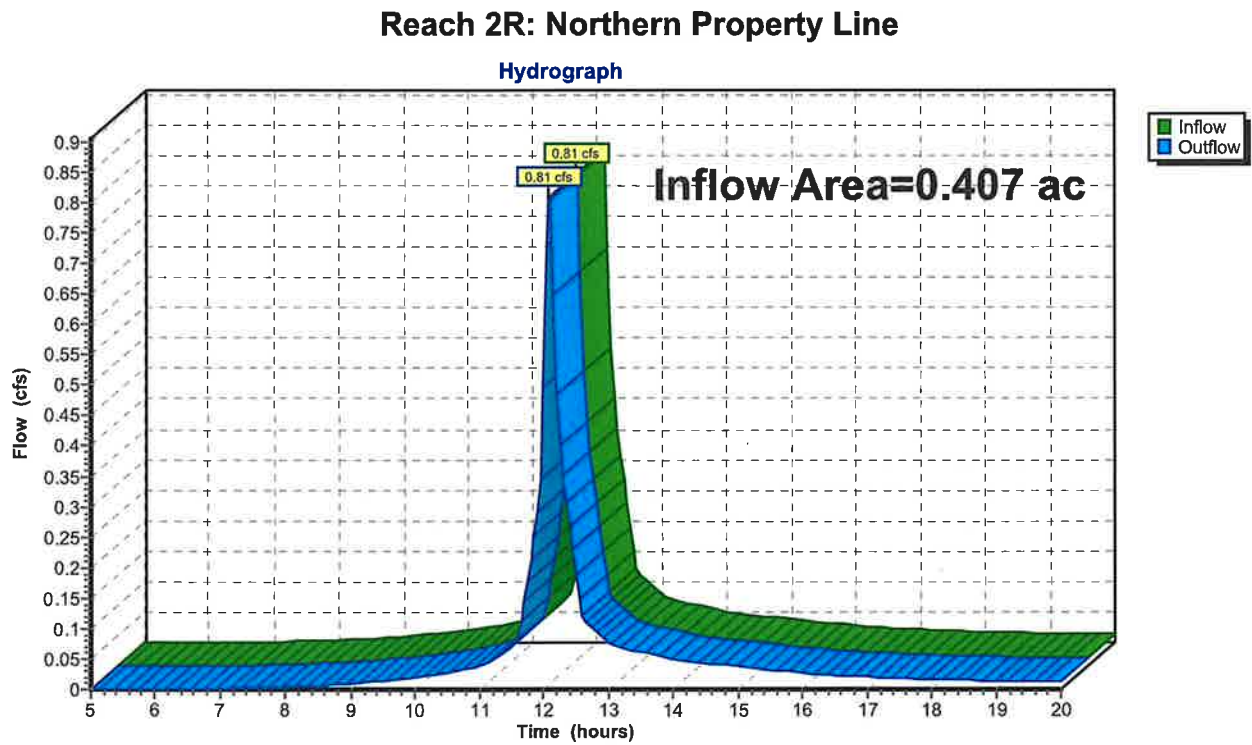


Summary for Reach 2R: Northern Property Line

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.407 ac, 67.54% Impervious, Inflow Depth > 1.63" for 2-Year event
Inflow = 0.81 cfs @ 12.09 hrs, Volume= 0.055 af
Outflow = 0.81 cfs @ 12.09 hrs, Volume= 0.055 af, Atten= 0%, Lag= 0.0 min
Routed to nonexistent node 5R

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs



Summary for Pond 3P: Filtration Basin

[82] Warning: Early inflow requires earlier time span

Inflow Area = 1.037 ac, 83.83% Impervious, Inflow Depth > 1.97" for 2-Year event
 Inflow = 2.40 cfs @ 12.09 hrs, Volume= 0.171 af
 Outflow = 0.48 cfs @ 12.52 hrs, Volume= 0.109 af, Atten= 80%, Lag= 26.1 min
 Discarded = 0.04 cfs @ 12.52 hrs, Volume= 0.032 af
 Primary = 0.44 cfs @ 12.52 hrs, Volume= 0.078 af
 Routed to Reach 1R : Western Property Line

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs / 3
 Peak Elev= 718.93' @ 12.52 hrs Surf.Area= 2,864 sf Storage= 3,948 cf

Plug-Flow detention time= 158.2 min calculated for 0.109 af (64% of inflow)
 Center-of-Mass det. time= 87.0 min (849.3 - 762.2)

Volume	Invert	Avail.Storage	Storage Description
#1	716.00'	5,193 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
#2	715.50'	951 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
		2,378 cf Overall x 40.0% Voids	
		6,144 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
716.00	332	0	0
718.00	1,266	1,598	1,598
720.00	2,329	3,595	5,193

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
715.50	332	0	0
716.50	1,106	719	719
718.00	1,106	1,659	2,378

Device	Routing	Invert	Outlet Devices
#1	Discarded	715.50'	0.600 in/hr Exfiltration over Surface area Phase-In= 0.10'
#2	Primary	719.50'	6.0' long x 4.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32
#3	Primary	718.00'	6.00' long x 11.00' breadth x 1.50' high Rock Fill Rock Diam.= 3.000", S.D.= 2.000", Voids= 40.0%

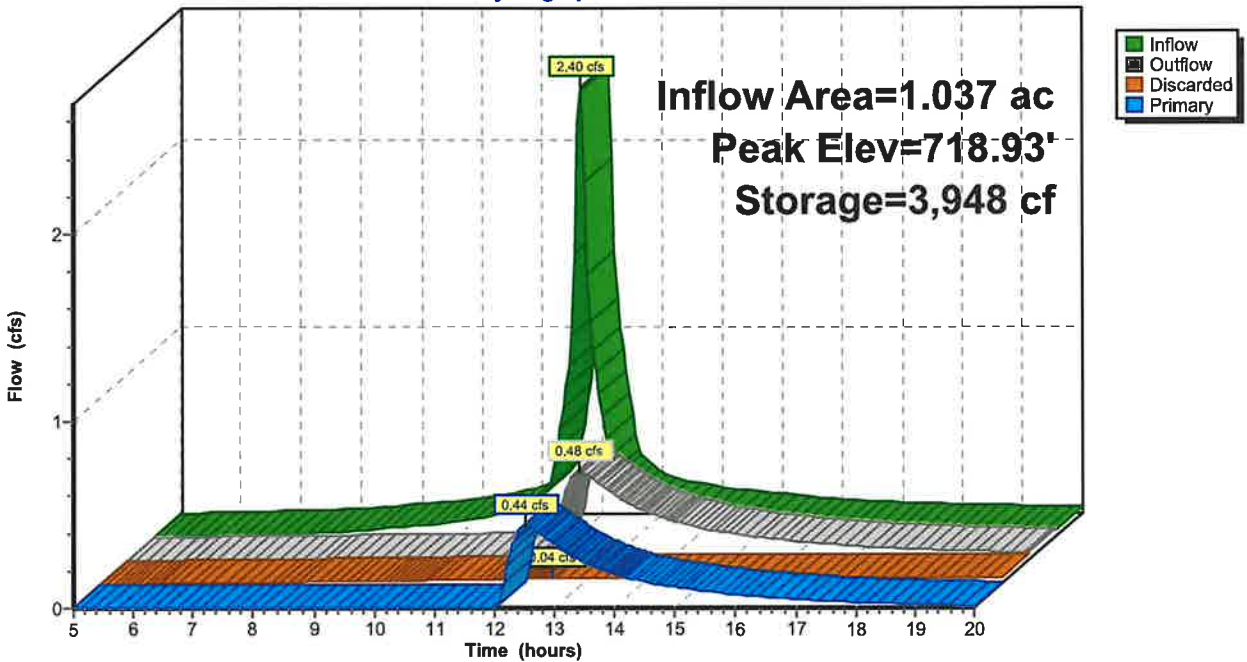
Discarded OutFlow Max=0.04 cfs @ 12.52 hrs HW=718.92' (Free Discharge)
 1=Exfiltration (Exfiltration Controls 0.04 cfs)

Primary OutFlow Max=0.44 cfs @ 12.52 hrs HW=718.92' (Free Discharge)
 2=Broad-Crested Rectangular Weir (Controls 0.00 cfs)
 3=Rock Fill (Rockfill Controls 0.44 cfs @ 0.16 fps)



Pond 3P: Filtration Basin

Hydrograph



Summary for Subcatchment 1S: Sub 1

Runoff = 0.86 cfs @ 12.09 hrs, Volume= 0.059 af, Depth> 2.92"
 Routed to Reach 1R : Western Property Line

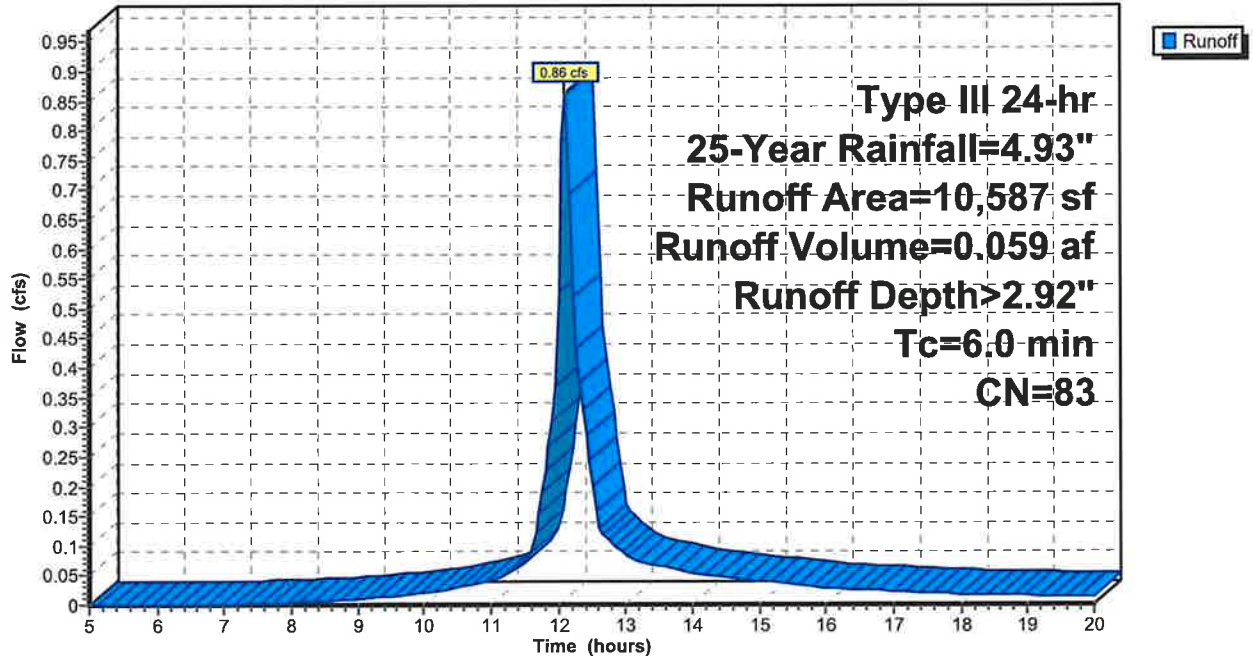
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 25-Year Rainfall=4.93"

Area (sf)	CN	Description
* 3,882	98	Impervious
6,705	74	>75% Grass cover, Good, HSG C
10,587	83	Weighted Average
6,705		63.33% Pervious Area
3,882		36.67% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 1S: Sub 1

Hydrograph



Summary for Subcatchment 2S: Sub 2

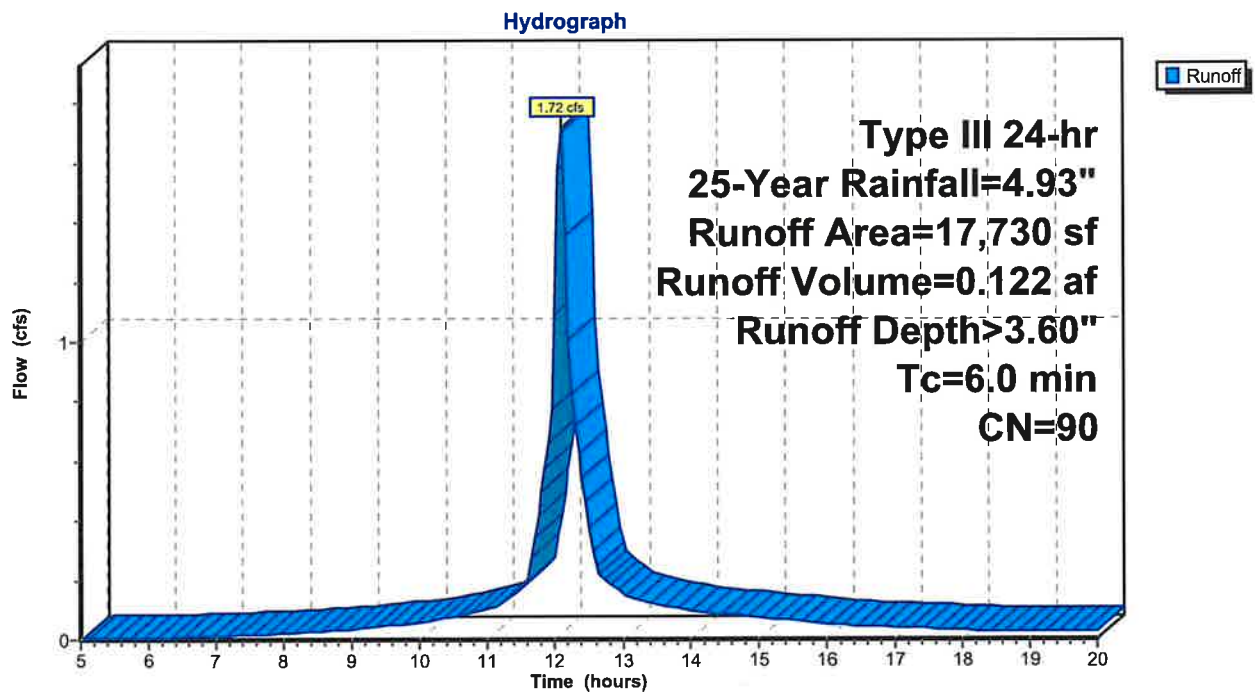
Runoff = 1.72 cfs @ 12.09 hrs, Volume= 0.122 af, Depth> 3.60"
 Routed to Reach 2R : Northern Property Line

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 25-Year Rainfall=4.93"

	Area (sf)	CN	Description
*	11,975	98	Impervious
	5,755	74	>75% Grass cover, Good, HSG C
	17,730	90	Weighted Average
	5,755		32.46% Pervious Area
	11,975		67.54% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 2S: Sub 2



Summary for Subcatchment 3S: Sub 1

Runoff = 4.68 cfs @ 12.09 hrs, Volume= 0.346 af, Depth> 4.00"
 Routed to Pond 3P : Filtration Basin

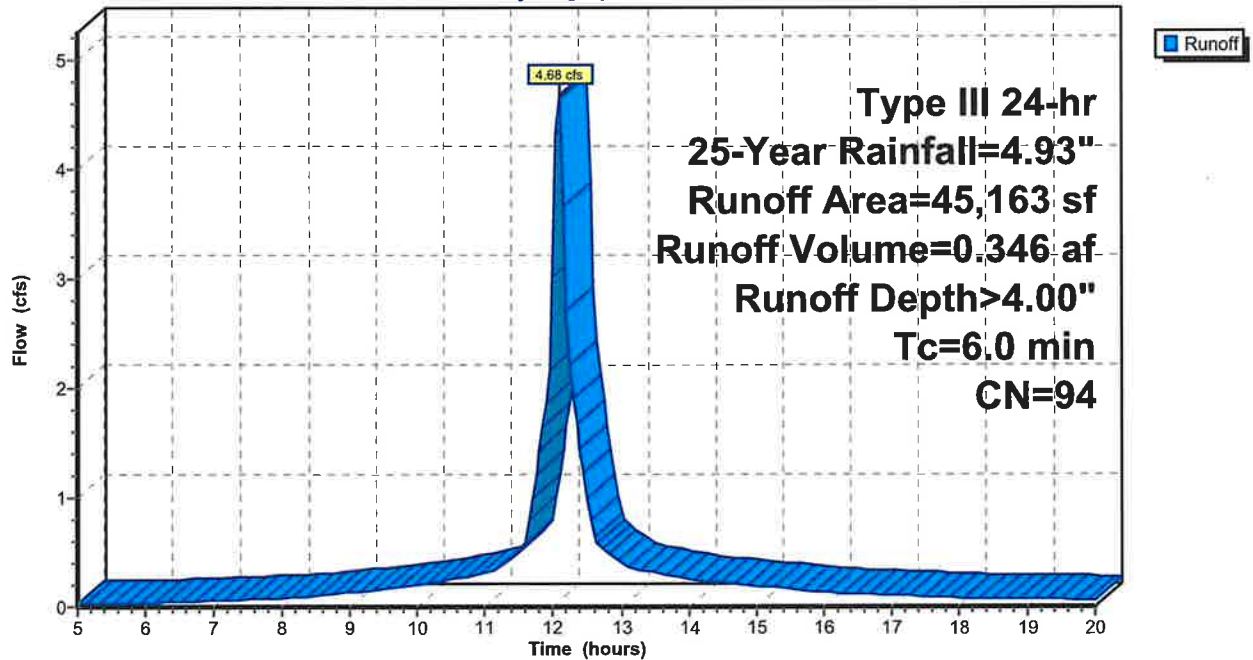
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 25-Year Rainfall=4.93"

Area (sf)	CN	Description
37,862	98	Impervious
7,301	74	>75% Grass cover, Good, HSG C
45,163	94	Weighted Average
7,301		16.17% Pervious Area
37,862		83.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3S: Sub 1

Hydrograph



Summary for Subcatchment 4S: Sub 1

Runoff = 0.04 cfs @ 12.09 hrs, Volume= 0.003 af, Depth> 2.14"
 Routed to Reach 1R : Western Property Line

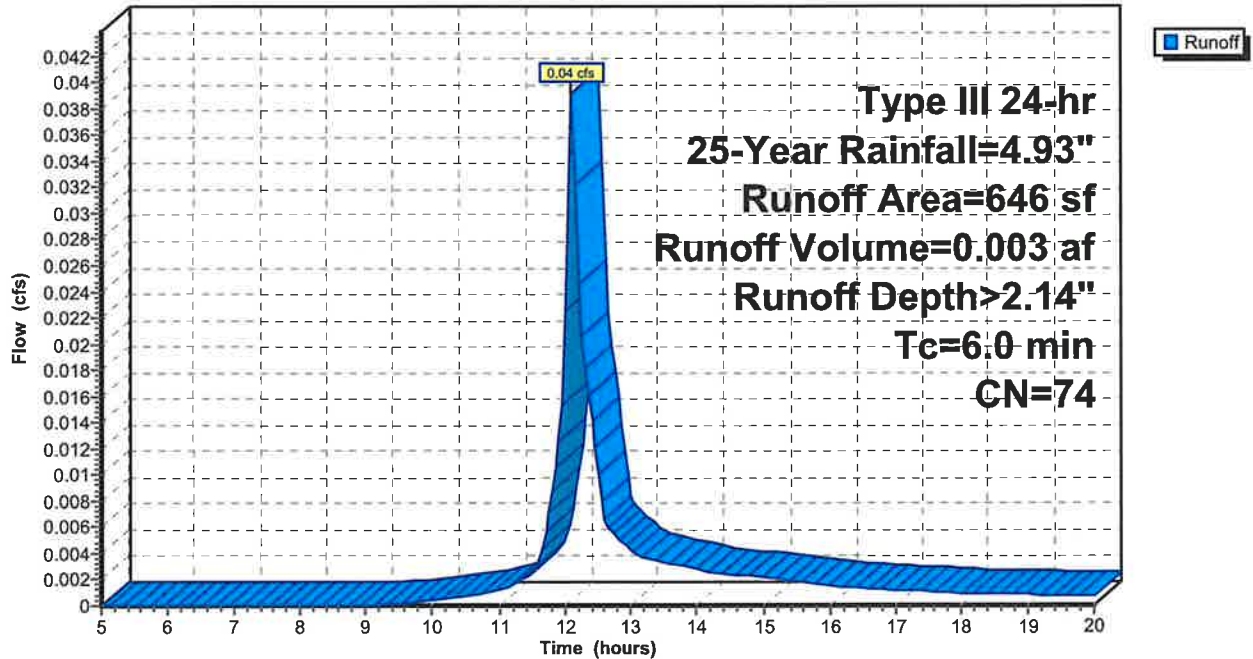
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 25-Year Rainfall=4.93"

Area (sf)	CN	Description
646	74	>75% Grass cover, Good, HSG C
646		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4S: Sub 1

Hydrograph

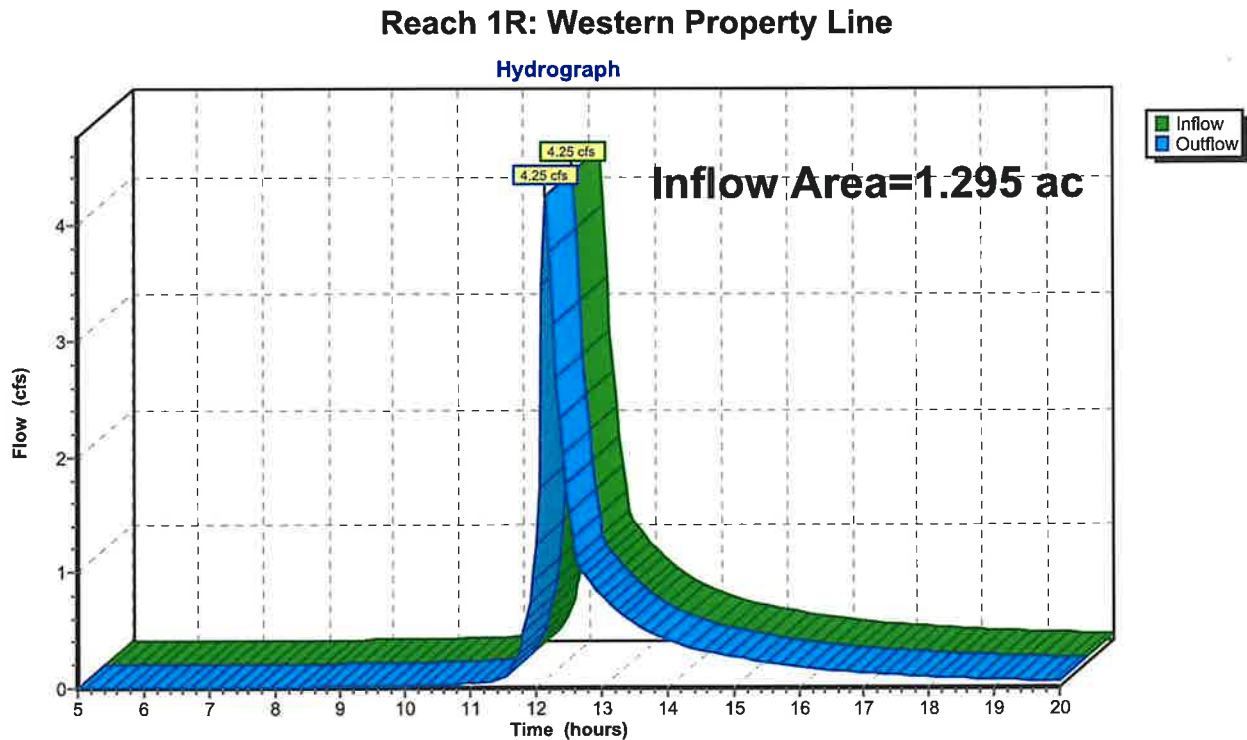


Summary for Reach 1R: Western Property Line

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.295 ac, 74.02% Impervious, Inflow Depth > 2.82" for 25-Year event
Inflow = 4.25 cfs @ 12.16 hrs, Volume= 0.305 af
Outflow = 4.25 cfs @ 12.16 hrs, Volume= 0.305 af, Atten= 0%, Lag= 0.0 min
Routed to nonexistent node 5R

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

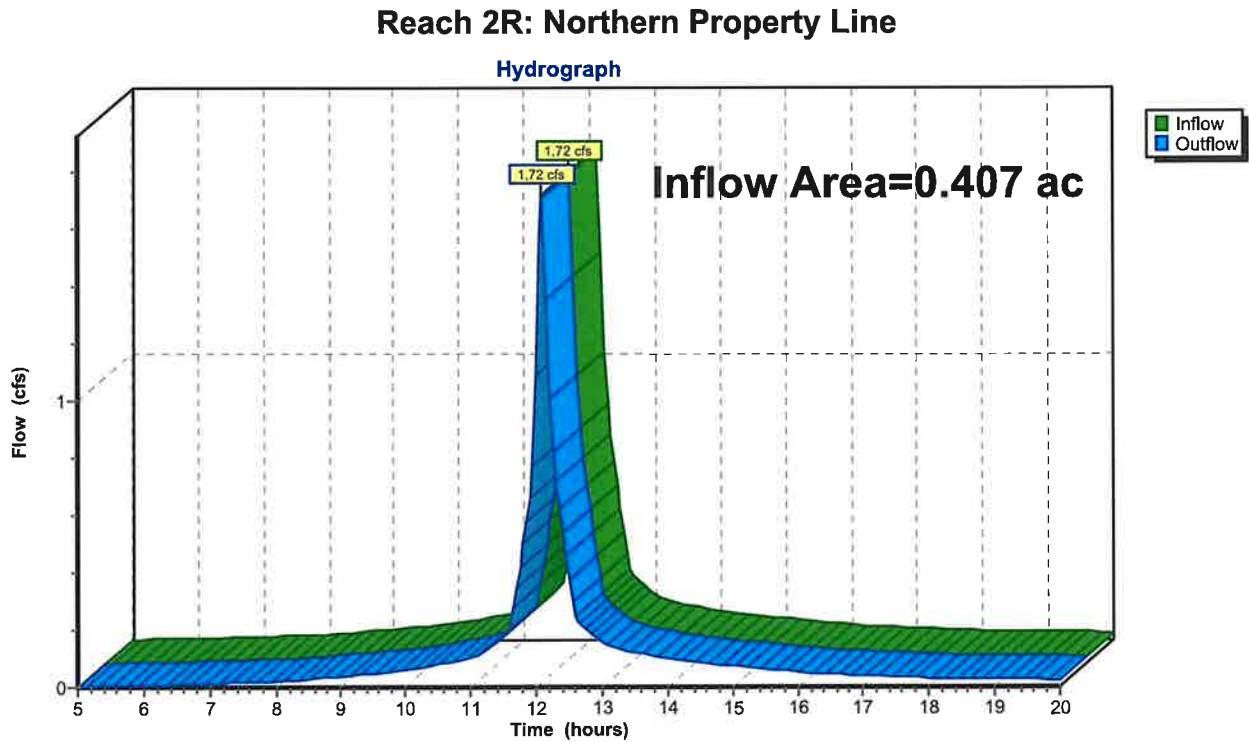


Summary for Reach 2R: Northern Property Line

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.407 ac, 67.54% Impervious, Inflow Depth > 3.60" for 25-Year event
Inflow = 1.72 cfs @ 12.09 hrs, Volume= 0.122 af
Outflow = 1.72 cfs @ 12.09 hrs, Volume= 0.122 af, Atten= 0%, Lag= 0.0 min
Routed to nonexistent node 5R

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs



Summary for Pond 3P: Filtration Basin

[82] Warning: Early inflow requires earlier time span

Inflow Area = 1.037 ac, 83.83% Impervious, Inflow Depth > 4.00" for 25-Year event
 Inflow = 4.68 cfs @ 12.09 hrs, Volume= 0.346 af
 Outflow = 3.60 cfs @ 12.16 hrs, Volume= 0.281 af, Atten= 23%, Lag= 4.5 min
 Discarded = 0.05 cfs @ 12.16 hrs, Volume= 0.038 af
 Primary = 3.56 cfs @ 12.16 hrs, Volume= 0.243 af
 Routed to Reach 1R : Western Property Line

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs / 3
 Peak Elev= 719.81' @ 12.16 hrs Surf.Area= 3,334 sf Storage= 5,710 cf

Plug-Flow detention time= 115.3 min calculated for 0.280 af (81% of inflow)
 Center-of-Mass det. time= 64.2 min (812.7 - 748.5)

Volume	Invert	Avail.Storage	Storage Description
#1	716.00'	5,193 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
#2	715.50'	951 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
		2,378 cf Overall	x 40.0% Voids
		6,144 cf	Total Available Storage

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
716.00	332	0	0
718.00	1,266	1,598	1,598
720.00	2,329	3,595	5,193

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
715.50	332	0	0
716.50	1,106	719	719
718.00	1,106	1,659	2,378

Device	Routing	Invert	Outlet Devices
#1	Discarded	715.50'	0.600 in/hr Exfiltration over Surface area Phase-In= 0.10'
#2	Primary	719.50'	6.0' long x 4.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32
#3	Primary	718.00'	6.00' long x 11.00' breadth x 1.50' high Rock Fill Rock Diam.= 3.000", S.D.= 2.000", Voids= 40.0%

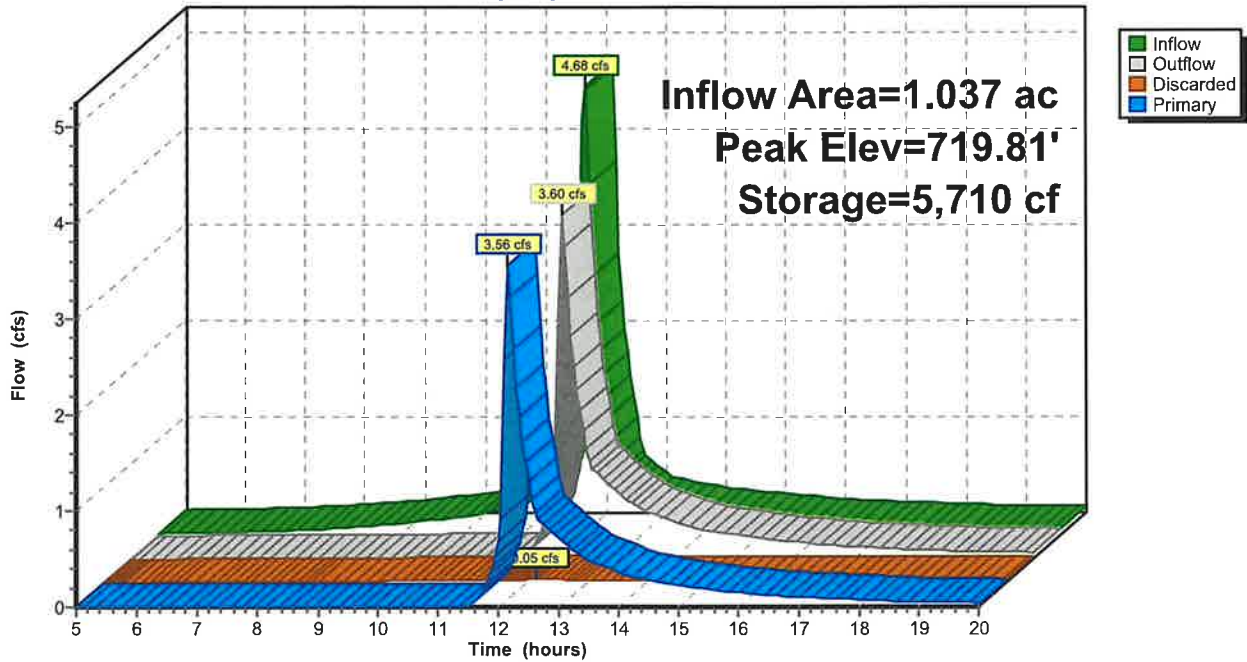
Discarded OutFlow Max=0.05 cfs @ 12.16 hrs HW=719.80' (Free Discharge)
 1=Exfiltration (Exfiltration Controls 0.05 cfs)

Primary OutFlow Max=3.43 cfs @ 12.16 hrs HW=719.80' (Free Discharge)
 2=Broad-Crested Rectangular Weir (Weir Controls 2.43 cfs @ 1.35 fps)
 3=Rock Fill (Rockfill Controls 1.01 cfs @ 0.22 fps)



Pond 3P: Filtration Basin

Hydrograph



Summary for Subcatchment 1S: Sub 1

Runoff = 1.08 cfs @ 12.09 hrs, Volume= 0.074 af, Depth> 3.67"
 Routed to Reach 1R : Western Property Line

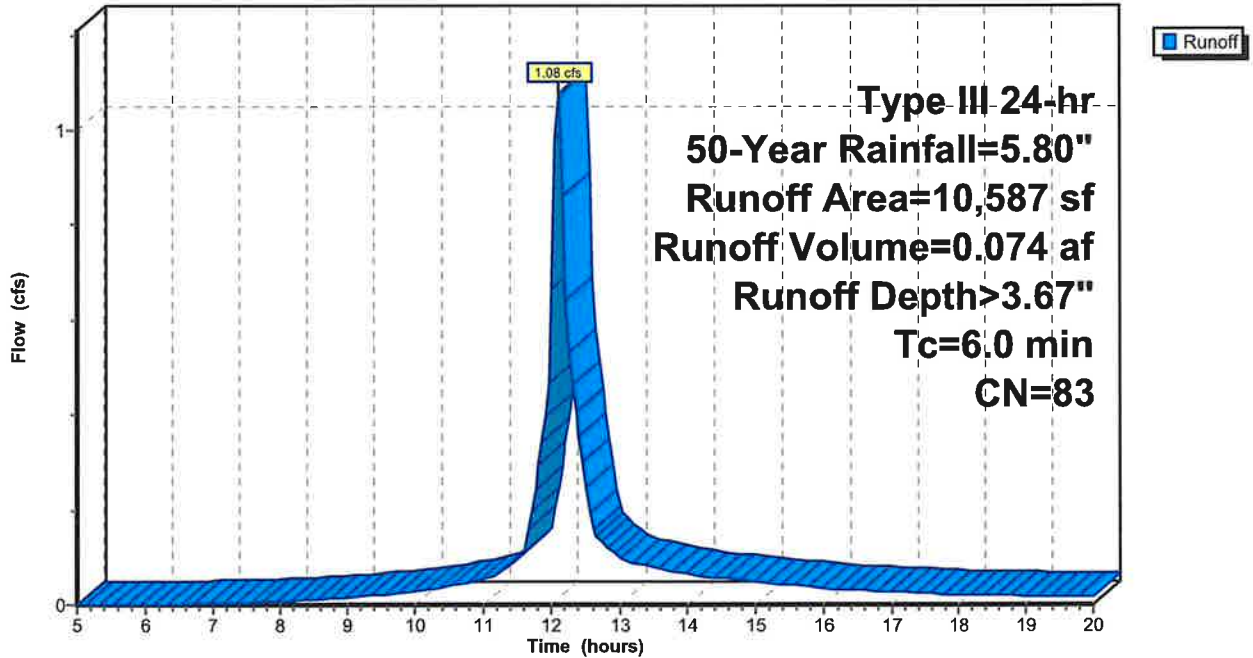
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 50-Year Rainfall=5.80"

Area (sf)	CN	Description
3,882	98	Impervious
6,705	74	>75% Grass cover, Good, HSG C
10,587	83	Weighted Average
6,705		63.33% Pervious Area
3,882		36.67% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 1S: Sub 1

Hydrograph



Summary for Subcatchment 2S: Sub 2

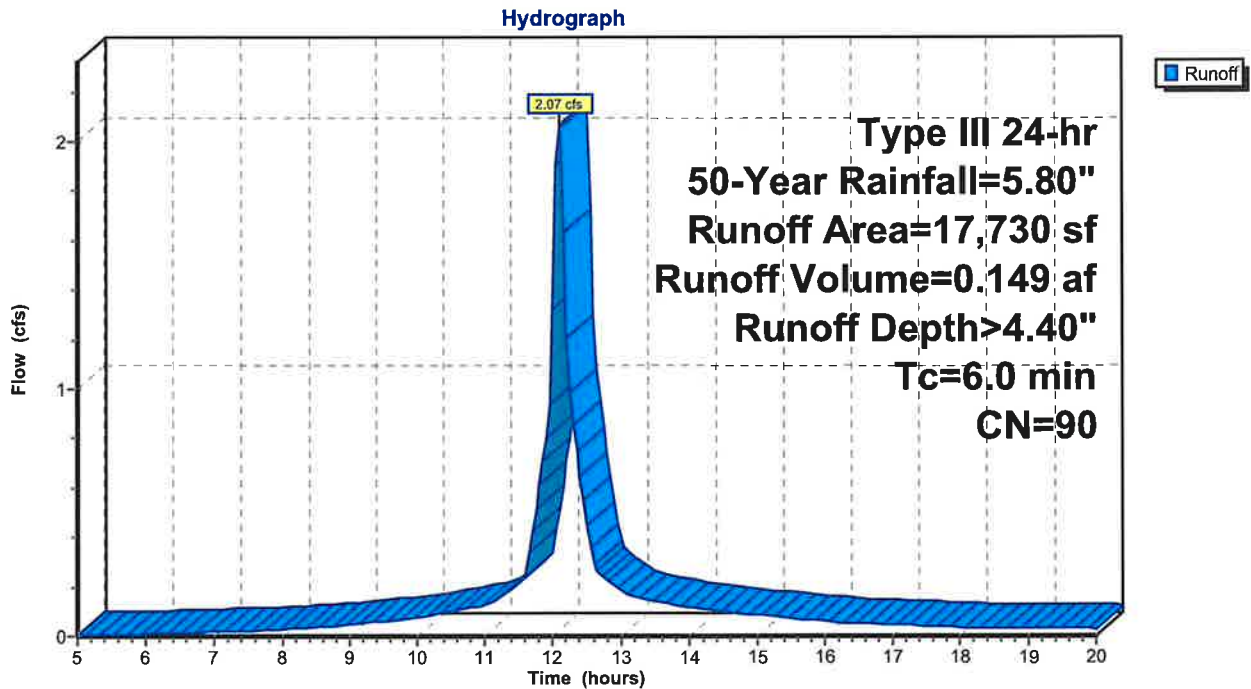
Runoff = 2.07 cfs @ 12.09 hrs, Volume= 0.149 af, Depth> 4.40"
 Routed to Reach 2R : Northern Property Line

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 50-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	11,975	98	Impervious
	5,755	74	>75% Grass cover, Good, HSG C
	17,730	90	Weighted Average
	5,755		32.46% Pervious Area
	11,975		67.54% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 2S: Sub 2



Summary for Subcatchment 3S: Sub 1

Runoff = 5.57 cfs @ 12.09 hrs, Volume= 0.415 af, Depth> 4.80"
 Routed to Pond 3P : Filtration Basin

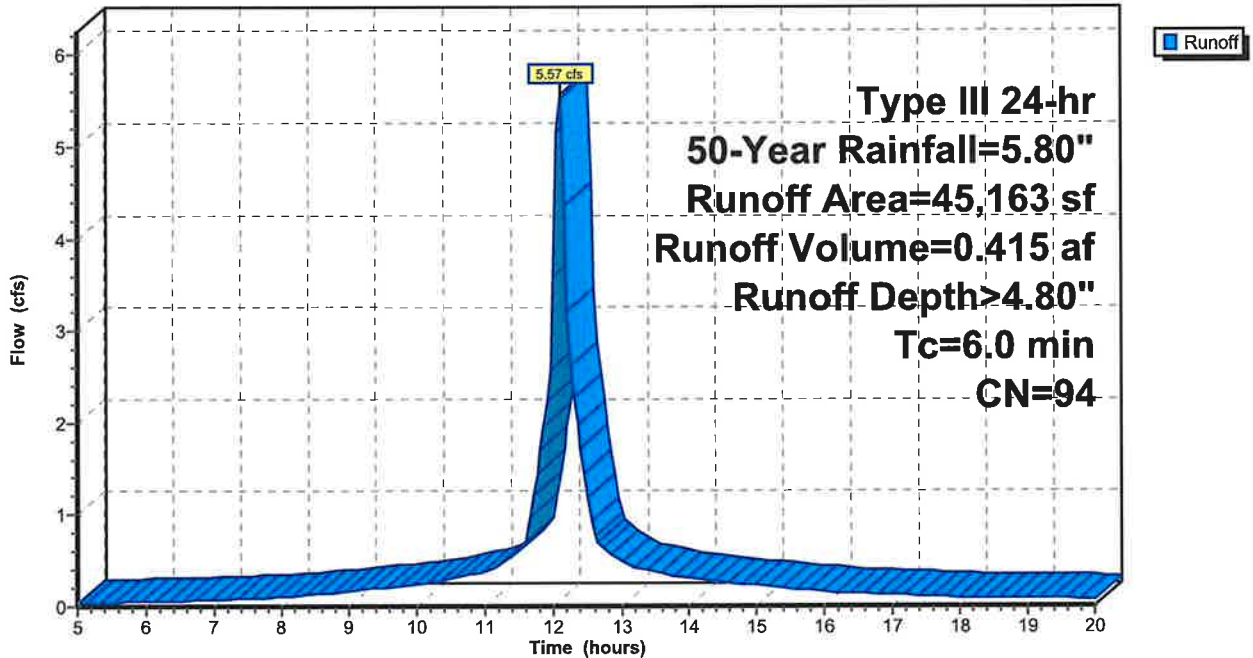
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type III 24-hr 50-Year Rainfall=5.80"

Area (sf)	CN	Description
* 37,862	98	Impervious
7,301	74	>75% Grass cover, Good, HSG C
45,163	94	Weighted Average
7,301		16.17% Pervious Area
37,862		83.83% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 3S: Sub 1

Hydrograph



Summary for Subcatchment 4S: Sub 1

Runoff = 0.05 cfs @ 12.09 hrs, Volume= 0.003 af, Depth> 2.81"
Routed to Reach 1R : Western Property Line

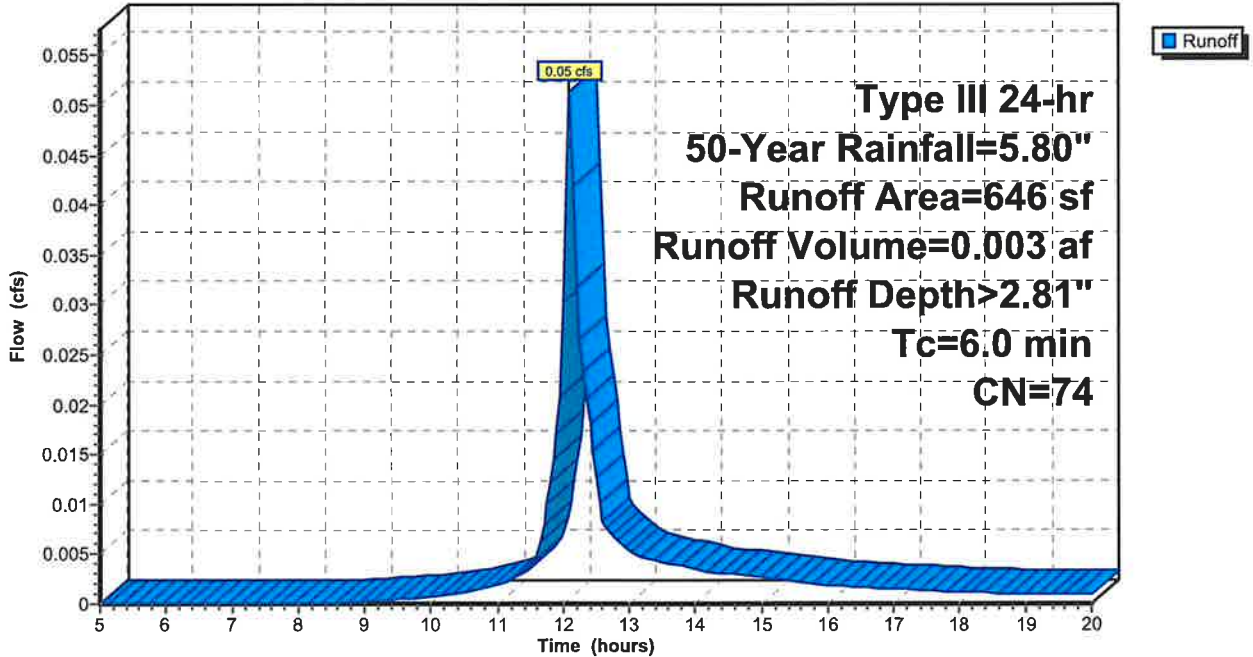
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type III 24-hr 50-Year Rainfall=5.80"

Area (sf)	CN	Description
646	74	>75% Grass cover, Good, HSG C
646		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry,

Subcatchment 4S: Sub 1

Hydrograph

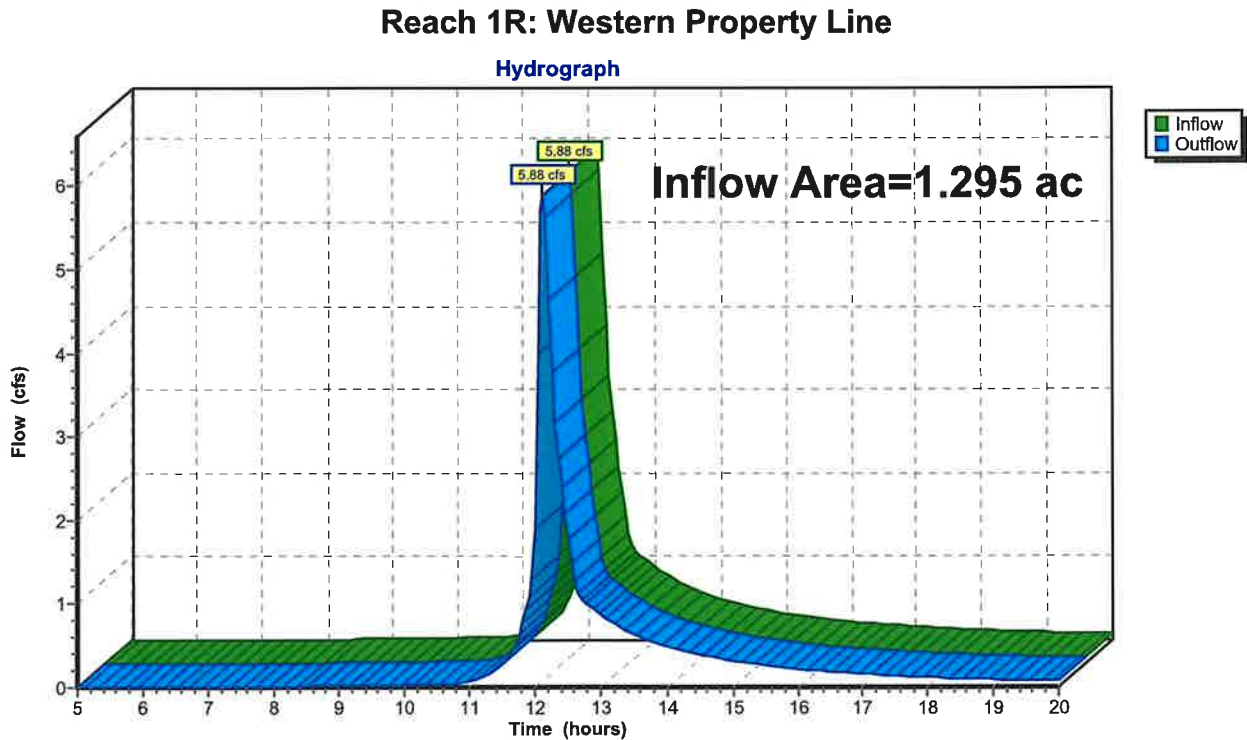


Summary for Reach 1R: Western Property Line

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 1.295 ac, 74.02% Impervious, Inflow Depth > 3.59" for 50-Year event
Inflow = 5.88 cfs @ 12.12 hrs, Volume= 0.388 af
Outflow = 5.88 cfs @ 12.12 hrs, Volume= 0.388 af, Atten= 0%, Lag= 0.0 min
Routed to nonexistent node 5R

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

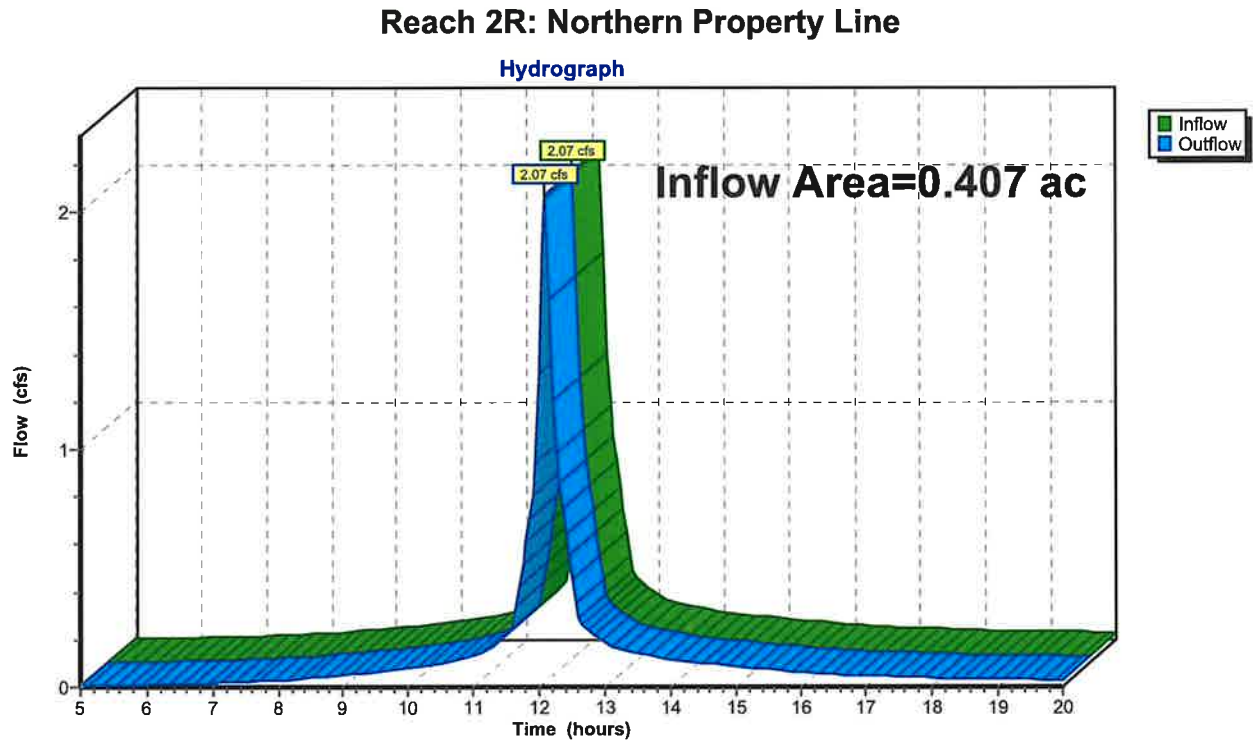


Summary for Reach 2R: Northern Property Line

[40] Hint: Not Described (Outflow=Inflow)

Inflow Area = 0.407 ac, 67.54% Impervious, Inflow Depth > 4.40" for 50-Year event
Inflow = 2.07 cfs @ 12.09 hrs, Volume= 0.149 af
Outflow = 2.07 cfs @ 12.09 hrs, Volume= 0.149 af, Atten= 0%, Lag= 0.0 min
Routed to nonexistent node 5R

Routing by Stor-Ind+Trans method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs



Summary for Pond 3P: Filtration Basin

[82] Warning: Early inflow requires earlier time span

Inflow Area = 1.037 ac, 83.83% Impervious, Inflow Depth > 4.80" for 50-Year event
 Inflow = 5.57 cfs @ 12.09 hrs, Volume= 0.415 af
 Outflow = 4.82 cfs @ 12.13 hrs, Volume= 0.349 af, Atten= 13%, Lag= 2.8 min
 Discarded = 0.05 cfs @ 12.13 hrs, Volume= 0.039 af
 Primary = 4.78 cfs @ 12.13 hrs, Volume= 0.310 af
 Routed to Reach 1R : Western Property Line

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs / 3
 Peak Elev= 719.89' @ 12.13 hrs Surf.Area= 3,378 sf Storage= 5,897 cf

Plug-Flow detention time= 105.6 min calculated for 0.348 af (84% of inflow)
 Center-of-Mass det. time= 59.6 min (805.3 - 745.6)

Volume	Invert	Avail.Storage	Storage Description
#1	716.00'	5,193 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
#2	715.50'	951 cf	Custom Stage Data (Prismatic) Listed below (Recalc)
		2,378 cf Overall	x 40.0% Voids
		6,144 cf	Total Available Storage

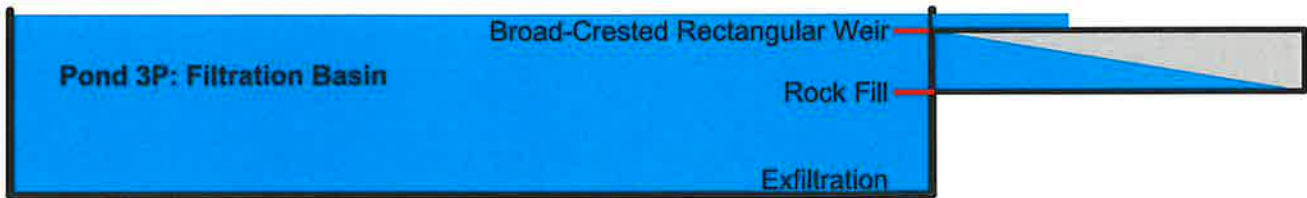
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
716.00	332	0	0
718.00	1,266	1,598	1,598
720.00	2,329	3,595	5,193

Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
715.50	332	0	0
716.50	1,106	719	719
718.00	1,106	1,659	2,378

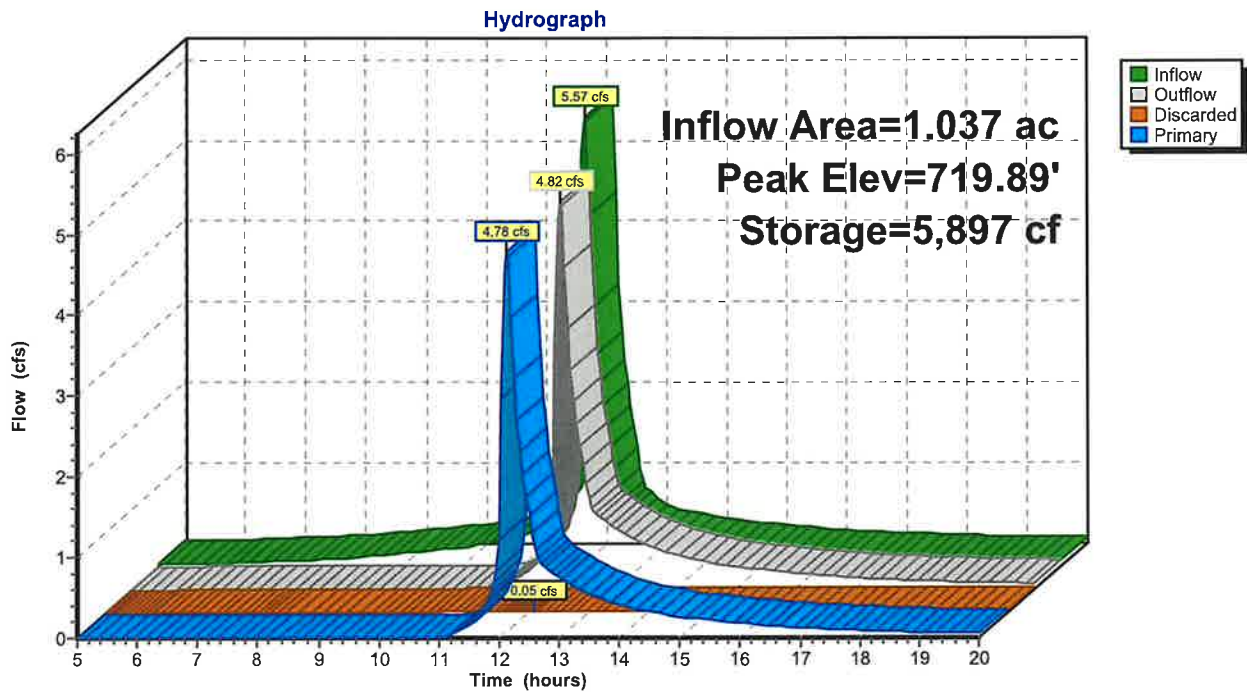
Device	Routing	Invert	Outlet Devices
#1	Discarded	715.50'	0.600 in/hr Exfiltration over Surface area Phase-In= 0.10'
#2	Primary	719.50'	6.0' long x 4.0' breadth Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 1.80 2.00 2.50 3.00 3.50 4.00 4.50 5.00 5.50 Coef. (English) 2.38 2.54 2.69 2.68 2.67 2.67 2.65 2.66 2.66 2.68 2.72 2.73 2.76 2.79 2.88 3.07 3.32
#3	Primary	718.00'	6.00' long x 11.00' breadth x 1.50' high Rock Fill Rock Diam.= 3.000", S.D.= 2.000", Voids= 40.0%

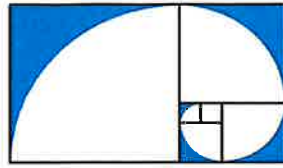
Discarded OutFlow Max=0.05 cfs @ 12.13 hrs HW=719.89' (Free Discharge)
 ↑1=Exfiltration (Exfiltration Controls 0.05 cfs)

Primary OutFlow Max=4.67 cfs @ 12.13 hrs HW=719.89' (Free Discharge)
 ↑2=Broad-Crested Rectangular Weir (Weir Controls 3.64 cfs @ 1.57 fps)
 ↑3=Rock Fill (Rockfill Controls 1.03 cfs @ 0.23 fps)



Pond 3P: Filtration Basin





BROWN ENGINEERING

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www.browngineeringllc.com

Ethan Wood, Esq.
Normandin, Cheney & O'Neil, PLLC
213 Union Avenue
P.O.Box 575
Laconia, NH 03247

Date: July 17, 2024

RE: Tiki Plaza "New Building"
Tax Map 128 Block 252 Lot 3.1
Enicott Street North, Laconia NH

A test pit was dug today in the location of the proposed filtration basin in the rear of the Tiki Plaza lot, see attachment plan for location. The intent of the test pit was to comply with item 6 & 7 of the Pine Hollow and Tiki Plaza LLC settlement agreement, dated March 19, 2024.

Brown Engineering conducted the test pit in the presence of the property owner, Mr Gagnon, the abutter, Mr. Heavey and the abutters attorney.

The test pit data log is as follows:

0-10"

7.5yr 3-1, coarse sand texture, weak coarse structure, loose consistency

Notes: Soil was moist, fine roots to 8"

10-39"

7.5 yr 5-6, coarse sand texture, weak single grain structure, loose consistency

Notes: 10% medium gravels, evidence of fill material (asphalt)

39-84"

10 yr 3-2, fine sandy loam, moderate fine granular structure, friable consistency

Notes: apparent buried A horizon, substantial root system,

84-99"

Data not logged, excavation for evidence of water only

Depth of Pit: 8 feet 3 inches

Water Observed: NO

Ledge Observed: NO

ESHWT: None observed

Summary:

We estimate there is approximately 3 feet of fill over native material. The fill material was very granular coarse sand. At 39" of depth, we encountered what appears to be a buried A horizon, we believe this is the virgin ground, native material. This material appeared to be consistent with the soils expected in this area, which is Henniker fine sand loam according to Natural Resources Conservation Service, Web Soil Survey. At approximately 84" in depth, the soil horizon changed and was observed from outside of the pit. The tailings indicated the material to be a fine sand.

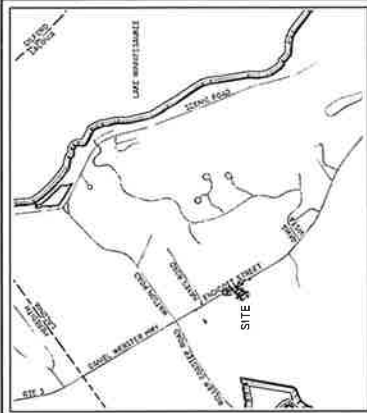
There was no presence of water throughout the duration of the test pit. No redox features were observed coupled with the presence of a dense root system was evidence of no restrictive layer, and therefore no estimated seasonal high water table was logged.

Per item 7 of the settlement agreement, there was no water observed 5 feet below the current surface elevation, and no water observed 5 feet below the original natural surface elevation.









LOCUS
SHEET 1 OF 2022

GENERAL NOTES

1. THE SITE IS SHOWN IN RED ON MAP 100 IN BLOCK 252 LOT 3 OF TAX MAP 128 BLOCK 252 LOT 3.
2. THE PROPERTY OWNER OF RECORD IS TIKI PLAZA LLC, 604 ENDICOTT STREET NORTH LACONIA, N.H. 03055. BOOK 3173 PAGE 105 IN NEW HAMPSHIRE COUNTY REGISTER OF DEEDS.
3. THE PROPERTY IS ZONED COMMERCIAL MEDIUM DENSITY (CMU) WITH MINIMUM 25' SETBACK.
4. BUILDING SETBACKS: 25' FRONT SETBACK, 25' SIDE SETBACK, 25' REAR SETBACK.
5. THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) PANEL NUMBER 330093 DATED AUGUST 15, 1990.
6. THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) PANEL NUMBER 330093 DATED AUGUST 15, 1990.
7. GREEN SPACE REQUIRED IS 5% OF TOTAL AREA. GREEN SPACE SHALL BE 5% OF TOTAL AREA. GREEN SPACE SHALL BE 5% OF TOTAL AREA.
8. SITE IS SERVED BY TOWN WATER AND PRIVATE WELL.



TEST PIT WORKSHEET

TAX MAP 128 BLOCK 252 LOT 3
604 ENDICOTT STREET NORTH LACONIA, N.H.
PROPOSED FOR
TIKI PLAZA LLC
24 LUCENSIS AVE
LACONIA, NH 03055
BOOK 3173 PAGE 105

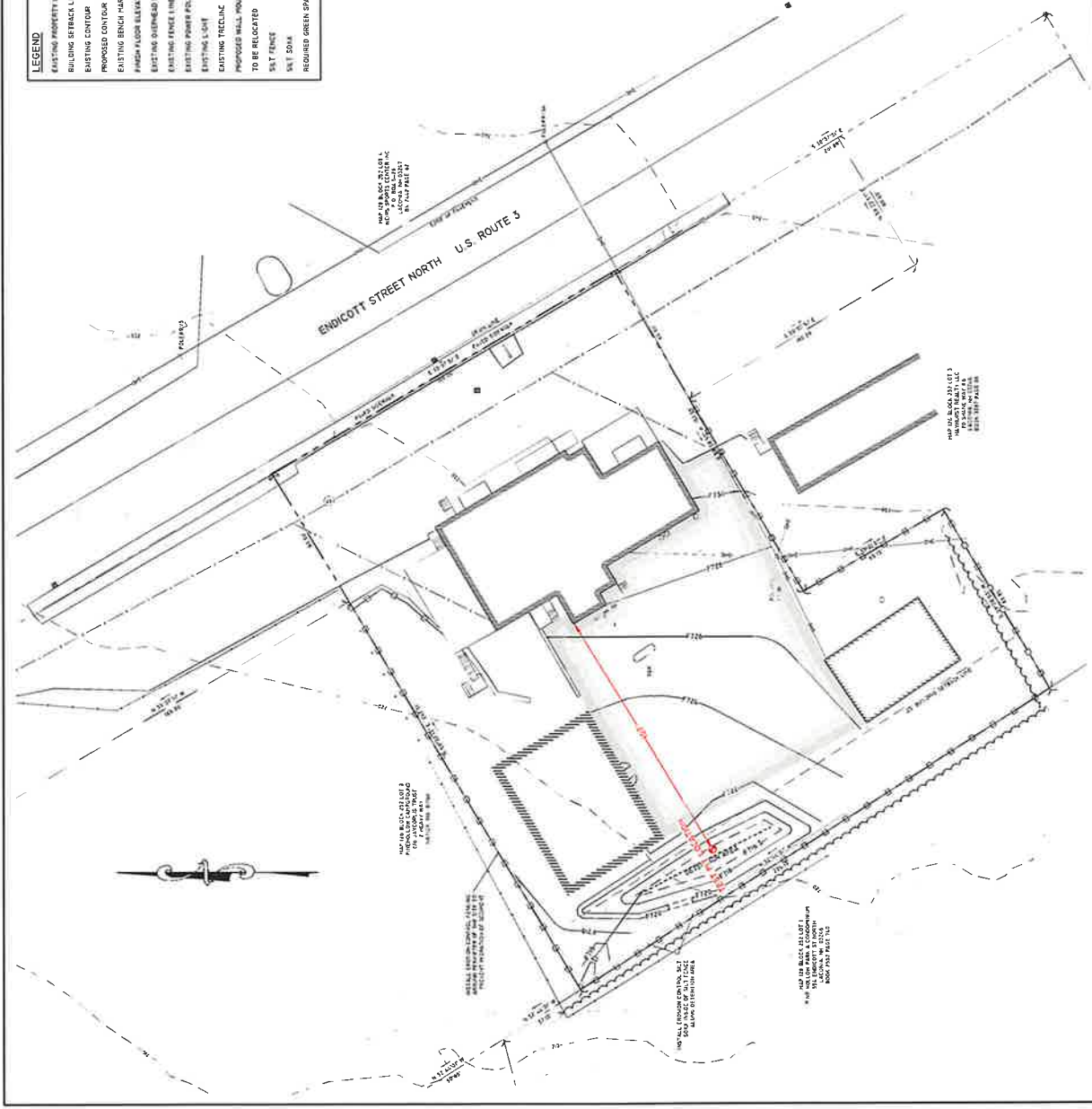
PREPARED BY
BROWN ENGINEERING LLC
20 WEST STREET
LACONIA, NH 03055
WWW.BROWNEENGINEERING.COM



DATE: JULY 17, 2024
JOB NO. 8028-02

LEGEND

EXISTING PROPERTY LINES	EXISTING FENCE LINE
BUILDING SETBACK LINE	EXISTING POWER POLE
BUILDING FOOTPRINT	EXISTING LIGHT
PROPOSED CONTOUR	EXISTING TREELINE
EXISTING BENCH MARK	PROPOSED WALL MOUNTED LIGHT TO BE RELOCATED
PROPOSED FLOOR ELEVATION	SALT FENCE
EXISTING DITCHED POWER LINES	REQUIRED GREEN SPACE



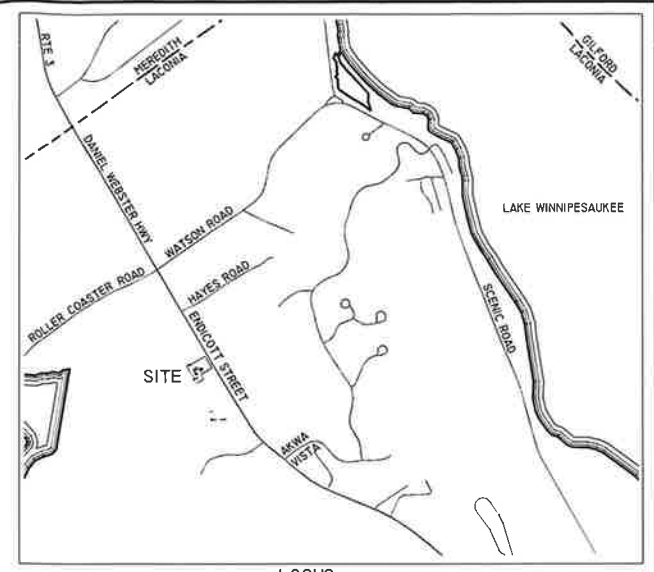
MAP 100 IN BLOCK 252 LOT 3 OF TAX MAP 128 BLOCK 252 LOT 3

MAP 100 IN BLOCK 252 LOT 3 OF TAX MAP 128 BLOCK 252 LOT 3

PROPOSED GREEN SPACE SHALL BE 5% OF TOTAL AREA.

PROPOSED CONTOUR SHALL BE 1' BELOW FINISHED GRADE.

PROPOSED FLOOR ELEVATION SHALL BE 1' ABOVE FINISHED GRADE.



LEGEND

EXISTING PROPERTY LINES	---
BUILDING SETBACK LINES	---
EXISTING CONTOUR	---570---
PROPOSED CONTOUR	---F570---
EXISTING BENCH MARK	⊠
FINISH FLOOR ELEVATION	FF-XXXX.XX
EXISTING OVERHEAD POWER LINES	—OHE—
EXISTING FENCE LINE	-X-X-
EXISTING POWER POLE	⊙ PP
EXISTING LIGHT	☀
EXISTING TREELINE	~~~~~
PROPOSED WALL MOUNTED LIGHT TO BE RELOCATED	⊠ TBR
SILT FENCE	□-□
SILT SOXX	▨
REQUIRED GREEN SPACE	▨

LOCUS
SCALE 1" = 1000'

GENERAL NOTES:

- PROPERTY IS 1 ACRE 43,743 SF AS SHOWN ON MAP 128 BLOCK 252 LOT 3.1 OF THE LACONIA TAX MAPS.
- THE PROPERTY OWNER OF RECORD IS:
TIKI PLAZA LLC
46 LUCERNE AVENUE
LACONIA, NH 03246
BOOK 3473 PAGE 195 BELKNAP COUNTY REGISTRY OF DEEDS
- THE PROPERTY IS ZONED COMMERCIAL RESORT (CR) WITH MUNICIPAL SEWER
- BUILDING SETBACKS:
0' FRONT SETBACK
0' SIDE SETBACK
25' REAR SETBACK
25% MINIMUM GREEN AREA
- NO PORTION OF THE SITE IS WITHIN 100 YEAR FLOOD ZONE ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FIRM MAP PANEL NUMBER 330005 0001B DATED AUGUST 15 1980
- ONSITE CONDITIONS AS DEPICTED ARE THE RESULT OF A FIELD SURVEY PERFORMED IN NOVEMBER 2022 AND DEPENDENT ON THE PLANS REFERENCED BELOW NOT A BOUNDARY SURVEY. THE BEARINGS ARE BASED UPON GPS OBSERVATIONS ON THIS DATE. ELEVATIONS ARE BASED ON NGVD 88. SEE PLANS OF REFERENCE NOTE #1.
- GREEN SPACE REQUIRED IS 25%. GREEN SPACE SHOWN IS 26%
- SITE IS SERVED BY TOWN SEWER AND PRIVATE WELL.

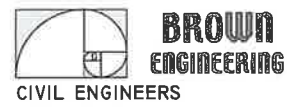


PROPOSED CONDITIONS

TAX MAP 128 BLOCK 252 LOT 3.1
604 ENDICOTT STREET NORTH LACONIA, N.H.

PREPARED FOR:
TIKI PLAZA LLC
46 LUCERNE AVE
LACONIA, NH 03246
BK 3473 PG 195

PREPARED BY:
BROWN ENGINEERING LLC.
63 WEST STREET
ASHLAND, NH 03217
TEL: (603) 744-1044
WWW.BROWNEENGINEERINGLLC.COM



SCALE: 1" = 20'
DATE:
MARCH 20, 2023

JOB NO: 5028-02
SHT 2 OF 3

APPROVED BY THE LACONIA NH PLANNING BOARD

DATE APPROVED: _____ DATE SIGNED: _____

CERTIFIED BY: _____

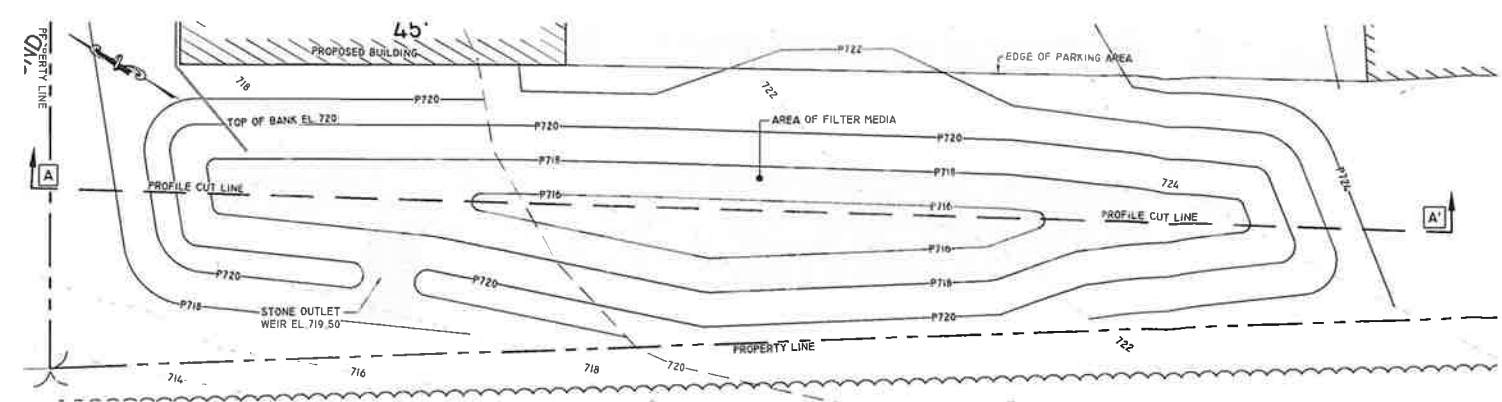
REV.	DATE	DESCRIPTION	BY
1	4/16/23	REVISE PER TBC COMMENTS	KLB
2	1-13-25	REVISED FOND, ADDED GREEN AREA	MJF

MAP 126 BLOCK 252 LOT 3
HAYHURST REALTY LLC
20 SHANE WAY #6
LACONIA, NH 03246
BOOK 3387 PAGE 88

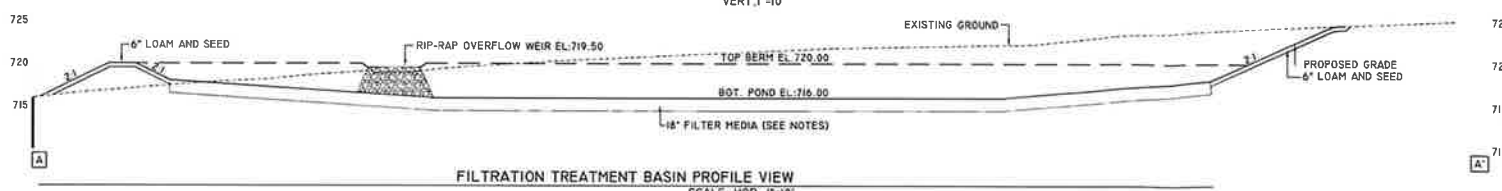
MAP 128 BLOCK 252 LOT 1
PINE HOLLOW PARK A CONDOMINIUM
554 ENDICOTT ST NORTH
LACONIA, NH 03246
BOOK 2552 PAGE 740

MAP 126 BLOCK 232 LOT 2
PINEHOLLOW CAMPGROUND
C/O JAYCORLIS TRUST
2 HEAVY WAY
NATICK, MA 01760

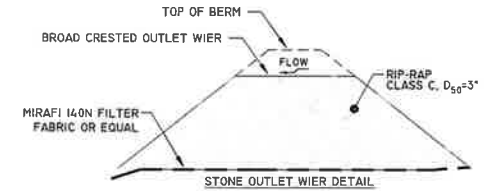
MAP 128 BLOCK 252 LOT 4
WEIRS SPORTS CENTER INC
P.O. BOX 5428
LACONIA, NH 03247
BK 2442 PAGE 62



FILTRATION TREATMENT BASIN PLAN VIEW
SCALE: HOR. 1"=10'
VERT. 1"=10'



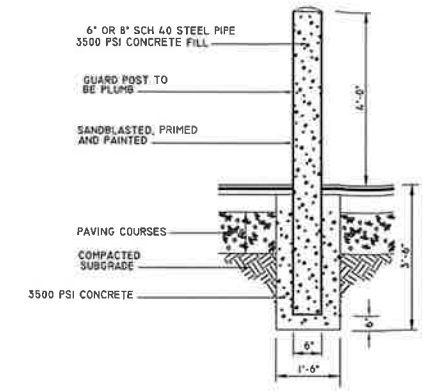
FILTRATION TREATMENT BASIN PROFILE VIEW
SCALE: HOR. 1"=10'
VERT. 1"=10'



- RIP-RAP OUTLET WEIR**
1. THE SUBGRADE FOR THE GEOTEXTILE FABRIC AND RIP-RAP SHALL BE PREPARED TO THE LINES AND GRADES SHOWN ON THE PLANS.
 2. THE ROCK USED FOR RIP-RAP SHALL BE CLASS C, D50 = 3"
 3. GEOTEXTILE FABRICS SHALL BE PROTECTED FROM PUNCTURE OR TEARING DURING THE PLACEMENT OF THE ROCK RIP-RAP. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR REPAIRS OR JOINING TWO PIECES OF FABRIC SHALL BE A MINIMUM OF 12 INCHES.
 4. STONE FOR THE RIP-RAP MAY BE PLACED BY EQUIPMENT AND SHALL BE CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT SEGREGATION OF THE STONE SIZES.

- FILTRATION BASIN NOTES**
1. FILTER MEDIA SHALL BE A MINIMUM OF 18" DEEP.
 2. FILTER MEDIA SHALL CONSIST OF ONE OF THE FOLLOWING MIXTURES VOLUME:
 - A) 50% TO 55% BY VOLUME SAND THAT IS CERTIFIED BY ITS PRODUCER AS MEETING THE REQUIREMENTS FOR ASTM C-33 CONCRETE SAND, 20% TO 30% BY VOLUME OF LOAMY SAND TOPSOIL WITH 15% TO 25% FINES PASSING THE NUMBER 200 SIEVE, AND 20% TO 30% BY VOLUME MODERATELY FINE SHREDDED BARK OR WOOD FIBER MULCH WITH LESS THAN 5% PASSING THE NUMBER 200 SIEVE.
 - B) 20% TO 30% BY VOLUME OF MODERATELY FINE SHREDDED BARK OR WOOD FIBER MULCH THAT HAS NO MORE THAN 5% FINES PASSING THE NUMBER 200 SIEVE, WITH 80% TO 80% BY VOLUME LOAMY COARSE SAND USED IN THE MIXTURE MEETING THE FOLLOWING SIEVE ANALYSIS SPECIFICATION:
 1. FROM 85 TO 100 PERCENT BY WEIGHT SHALL PASS THE NUMBER 10 SIEVE.
 2. FROM 70 TO 100 PERCENT BY WEIGHT SHALL PASS THE NUMBER 20 SIEVE.
 3. FROM 15 TO 40 PERCENT BY WEIGHT SHALL PASS THE NUMBER 60 SIEVE, AND
 4. FROM 8 TO 15 PERCENT BY WEIGHT SHALL PASS THE NUMBER 200 SIEVE.
 3. FILTER MATERIAL AND SIDE SLOPES SHALL BE SEEDED WITH A RYE GRASS MIXTURE CONTAINING PERENNIAL AND WINTER RYES, AT A RATE SPECIFIED BY THE MANUFACTURER. STABILIZE THE SLOPES WITH STRAW TO A DEPTH OF 1".

- INSPECTION AND MAINTENANCE**
- OWNER TO BE RESPONSIBLE FOR THE FOLLOWING AFTER CONSTRUCTION:
1. REMOVAL OF ACCUMULATED SEDIMENT.
 2. PERIODIC INSPECTION AND REPAIR OF OUTLET FLOWS.
 3. PERIODIC MOWING AND REMOVAL OF WOODY VEGETATION.



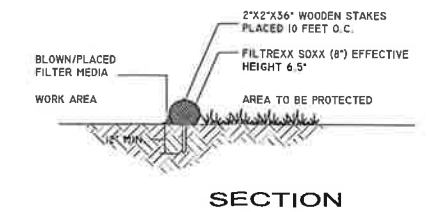
GUARD POST (BOLLARD)
NOT TO SCALE

- NOTE**
1. BOLLARD TO BE INSTALLED TO PROTECT MECHANICAL SYSTEMS AND PROPANE STORAGE TANKS FROM IMPACT BY TRAFFIC IN PARKING LOT.
 2. OTHER BARRIERS MAY BE SUBSTITUTED FOR BOLLARDS GIVEN THAT THE SUBSTITUTION PROVIDES AN EQUAL OR GREATER PROTECTION.
 3. BARRIERS TO BE MAINTAINED AS REQUIRED.

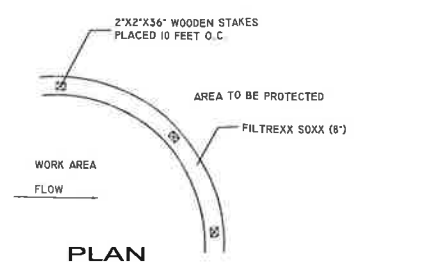


- NOTE**
1. ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS
 2. FILTER MEDIA TO MEET APPLICATION REQUIREMENTS.
 3. COMPOST MATERIAL TO BE DISPERSED ON-SITE, AS DETERMINED BY THE ENGINEER
 4. MAXIMUM SLOPE LENGTH ABOVE THE FILTREXX SOXX IS 200 FEET FOR A 10% SLOPE, 140 FEET FOR A 15% SLOPE, 100 FEET FOR A 20% SLOPE, 80 FEET FOR A 25% SLOPE.
 5. CONTRACTOR IS TO BE FILTREXX CERTIFIED AS DETERMINED BY MANUFACTURER.
 6. STAKES SHALL BE INSTALLED THROUGHOUT THE MIDDLE OF THE SOXX ON 10 FOOT CENTERS.
 7. SEDIMENT CONTROL SHOULD BE PLACED NEAR PARALLEL TO THE BASE OF THE SLOPE AS SHOWN ON THE PLANS.
 8. LOOSE COMPOST MAY BE BACKFILLED ALONG THE UPSLOPE SIDE OF THE SOXX, FILLING THE SEAM BETWEEN THE SOIL AND THE DEVICE.
 9. IF THE 'FILTREXX SOXX' IS TO BE LEFT AS A PERMANENT FILTER OR PART OF THE NATURAL LANDSCAPE IT MAY BE SEEDED AT THE TIME OF INSTALLATION FOR ESTABLISHMENT OF PERMANENT VEGETATION.

- MAINTENANCE**
1. SILT FENCES ARE TO BE INSPECTED IMMEDIATELY AFTER EVERY RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REPAIRS THAT ARE REQUIRED SHALL BE MADE IMMEDIATELY.
 2. IF THE FABRIC ON A SILT FENCE SHOULD DECOMPOSE OR BECOME INEFFECTIVE DURING THE EXPECTED LIFE OF THE FENCE, THE FABRIC SHALL BE REPLACED PROMPTLY.
 3. SEDIMENT DEPOSITS SHOULD BE INSPECTED AFTER EVERY STORM EVENT. THE DEPOSITS SHOULD BE REMOVED WHEN THEY REACH APPROXIMATELY ONE HALF OF THE BARRIER.
 4. SEDIMENT DEPOSITS THAT ARE REMOVED OR LEFT IN PLACE AFTER THE FABRIC HAS BEEN REMOVED, SHALL BE GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

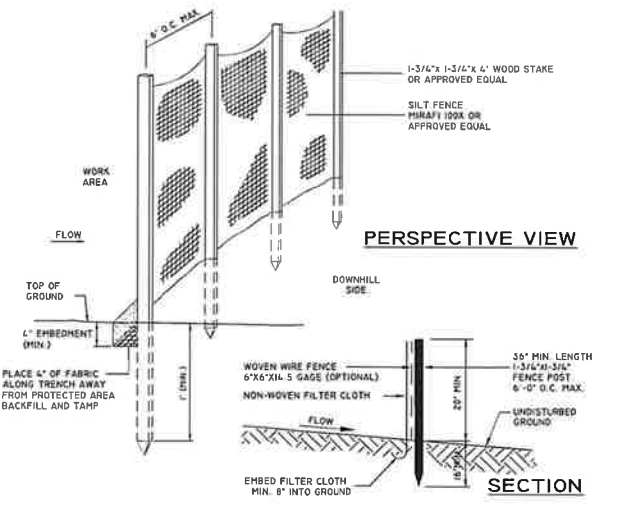


SECTION



PLAN

'FILTREXX' SEDIMENT CONTROL DETAIL ("SOXX")
NOT TO SCALE



SILT FENCE DETAIL
NOT TO SCALE

DETAIL SHEET

TAX MAP 128 BLOCK 252 LOT 3.1
604 ENDICOTT STREET NORTH LACONIA, N.H.

PREPARED FOR:
TIKI PLAZA LLC

46 LUCERNE AVE
LACONIA, NH 03246
BK 3473 PG 195

PREPARED BY:
BROWN ENGINEERING L.L.C.

63 WEST STREET
ASHLAND, NH 03217
TEL: (603) 744-1044
WWW.BROWNEENGINEERINGLLC.COM

BROWN ENGINEERING
CIVIL ENGINEERS

DATE: **MARCH 20, 2023**
JOB NO: 5028-02
SHT 3 OF 3

SCALE: 1" = 20'

REV.	DATE	DESCRIPTION	BY
1	6/14/23	REVISE PER TRC COMMENTS	KLK

STATE OF NEW HAMPSHIRE

BELKNAP, S.S.

SUPERIOR COURT

Pine Hollow Camping World, Inc. d/b/a
Pine Hollow Campground

v.

City of Laconia – Planning Board

No. 211-2023-CV-00116

ORDER

Plaintiff, Pine Hollow Camping World, Inc. d/b/a Pine Hollow Campground (“Pine Hollow”) brings this action to appeal a decision of the City of Laconia Planning Board (the “Board”) approving an application by Tiki Plaza LLC (“Tiki Plaza”) to construct a 2,700 square-foot structure on property abutting Pine Hollow’s campground (the “Campground”). See Doc. 1 (Compl.). The Court held a hearing on Pine Hollow’s appeal on September 11, 2023. After reviewing the pleadings and record, the arguments presented at the hearing, and the applicable law, the Court rules as follows.

Standard of Review

When a decision of a planning board is appealed to the superior court, “[t]he court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.” RSA 677:15, V. “Thus, the trial court’s review is limited.” Girard v. Town of Plymouth, 172 N.H. 576, 581 (2019). “The trial court must treat the factual findings of the planning board as prima facie lawful and reasonable and cannot set aside its decision absent unreasonableness or an identified error of law.” Id. “The appealing party bears the burden of persuading the trial court that, by balance of the probabilities, the board’s decision was unreasonable.” Id. “The trial court determines not whether it agrees with the planning board’s findings, but whether there is evidence upon which its findings could have reasonably been based.” Id.

Facts

Tiki Plaza owns property at 604 Endicott Street in Laconia (the “Property”). The Property consists of one building that houses a craft beer retail store, a screen-printing and embroidery business, a candy and chocolate retailer, and a woodworking shop.

The Property abuts the southern boundary of the Campground. See Certified Record of Proceedings Before the Board (“CR”) at 2, 5.

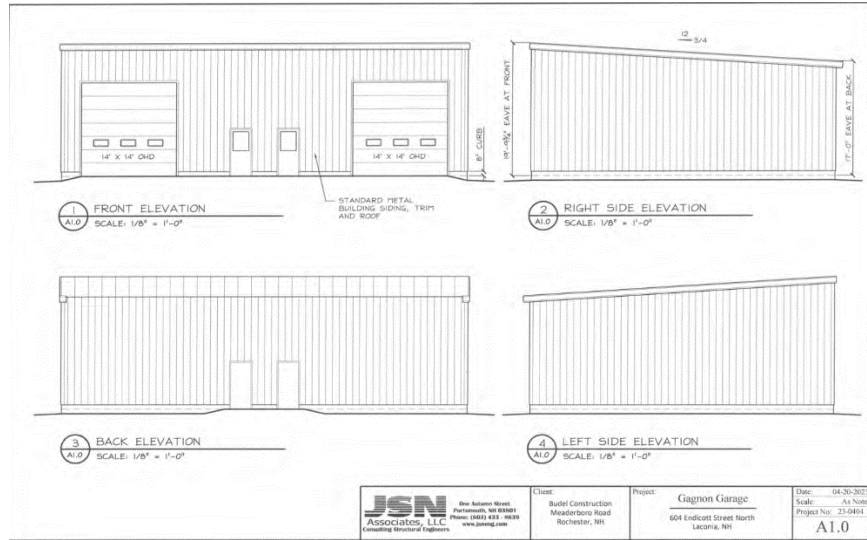
On March 27, 2023, Tiki Plaza submitted a “Planning Board Application” to construct a 2,700 square-foot metal building. See id. at 1. Included with the application was a “Stormwater Management Report” (the “Report”). See id. at 10.

The diagram below is included in the Report. It shows the proposed 2,700 square-foot building at the northwest corner of the Property (upper left on the diagram), just south of the Campground’s property line. The dashed grey lines spanning from the northeast to the southwest, throughout the diagram, indicate that the Property is on a grade that slopes downward to the Campground, which is on a lower elevation than the Property and the proposed building.



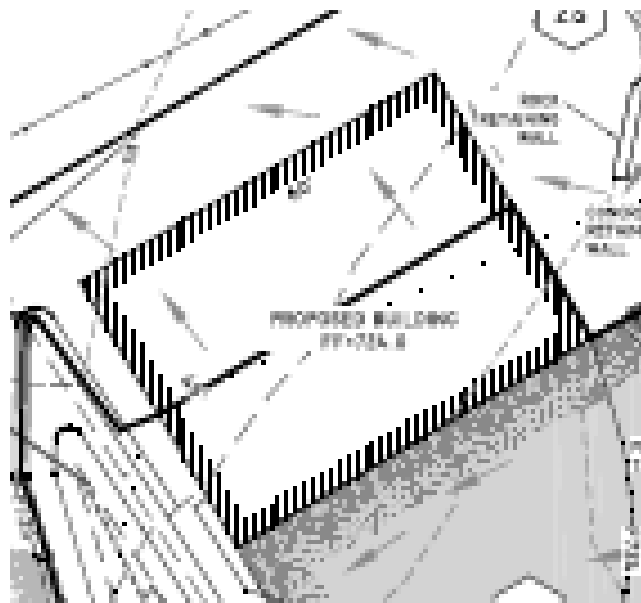
Id. at 59.

The application also includes a diagram of the proposed building:



Id. at 3. This diagram shows that the proposed building will have a mono-pitch roof with the highest elevation in the front of the building and the lowest elevation in the back, closer to the Campground.

The first diagram reproduced above is arguably ambiguous in its depiction of the roof. The following image, extracted from that diagram, includes grey arrows showing the direction in which rain would flow from the front of the building to the back. However, it also includes a solid line running the length of the roof which the legend indicates is a stormwater “Subcatchment Area Line.” This suggests a gabled (peaked) roof, since a mono-pitch roof would presumably lie entirely within a single catchment area:



Id. at 59.

A representative for Tiki Plaza, Mario Focareto, explained the following to the Board:

You'll see from the arrows that the storm water from the roof will run – just run off, most of it not caught into the stormwater basin. But that's part of the analysis, as well . . . that's been taken into account when we do the analysis. So in order to make the runoff lesser at the [Campground's] property line, we need to capture some of it and slow it down. And that's what we do.

Id. at 83.

In the southeast (lower left) corner of the image is a representation of the stormwater basin, or retention pond, that Focareto referenced. The stormwater basin is designed to catch rainwater before it flows over onto the Property's abutters. See id. As noted above, the grey arrows on the diagram appear to indicate rain from the roof being directed towards the Campground rather than the stormwater basin. See id. The Report concludes that "[t]he proposed site development by Tiki Plaza LLC will not create any adverse effects downstream in storm water flow rates or quality." Id. at 10.

On May 1, 2023, Pine Hollow's owner, Bob Heavey, sent an email expressing Pine Hollow's concerns regarding the proposal. See id. at 67. They included the sufficiency of parking following construction of the proposed building, and the need for a traffic consultant to ensure that large trucks making deliveries to the Property have enough space to turn. Id. Pine Hollow also expressed concern about stormwater runoff; it requested that the proposed building be constructed with a roof that would direct water to flow back onto the Property and not the Campground. Id.

On May 3, 2023, the Board held a meeting on the application. Id. at 76. The Board heard statements from Focareto, Heavey, and the Board's staff members before rendering their decision on the application.

Heavey explained his drainage concerns to the Board by saying, "[T]hey're trying to put all the water onto our property, all of it. There's no other place for it to go, as they show it being funneled and dump two feet, three feet from our property line." Id. at 95. Focareto responded:

[W]hat we do when we do these hydraulic analyses is look at the point of analysis. So this property line at the point of analysis . . . And what you'll see is when we break it out, a lot of the water does get into the pond area; but some of it doesn't, so you have to take the summation of all this runoff area. But I think it's . . . a good concern. It's a common concern, and that's why we pick the point of analysis as the property line as a whole line, not just that one point, but all the water that . . . comes onto our property and then . . . leaves our property onto [the Campground]. And that's what we look at specifically for that comment.

Id. at 113.

Board Member Dellavecchia further commented “I believe that the retention area will take care of the 2,700 square-foot building. There’s not going to be additional runoff because that building is there, because they’ve addressed it with the retention area . . . the retention area is enough to satisfy the 2,700 square-foot building. So I’m in favor of it.” Id. at 126–27.

However, the Board still required Tiki Plaza to install a “[g]ravel catchment area to be put under [the] drip edge of [the] proposed structure” in order to further slow the flow of rainwater, allowing it to infiltrate back into the ground. See id. at 90, 140.

The Board then addressed Pine Hollow’s concerns about traffic in the following exchange:

THE CHAIRMAN: [T]he flow of traffic within their property is their problem not . . . the City’s, not abutters, right? Or am I misunderstanding[?]

HEAVEY: No, no, you’re right . . .

THE CHAIRMAN: I think your suggestions are very good, but I think . . . and this is just me – I think the Board’s interest in this is to make sure that this development does not have an adverse effect on abutters, including yourself. I think part of what you’re saying is they should be doing a better job in their site planning. But that’s not within the purview of the Board and – or the abutters, for that matter.

HEAVEY: But we just don’t want to [have] water coming on our property.

Id. at 104.

The Board also considered the adequacy of parking. See id. at 85. Tiki Plaza represented that the proposed building would be used by “an antique guy that might want . . . to work on one or two cars” and “a landscape guy that contacted me, might be interested.” Id. at 86. According to Tiki Plaza, “[t]hey’re not going to have 33 cars in the parking lot because it’s not designed for that.” Id. at 88. Ultimately, the proposed building would have two exterior parking spaces, see id. at 5, and a space for parking inside the proposed building, see id. at 85. While Heavy brought his parking concerns to the Board, he conceded that his primary concern was about storm water drainage. See id. at 103. Accordingly, the Board found that three parking spaces were sufficient for the anticipated uses of the proposed building. See id. at 140.

After considering Tiki Plaza’s application and Pine Hollow’s concerns, the Board granted conditional approval to begin construction of the proposed building. See id. at 140–41.

Pine Hollow then filed the instant appeal, alleging that that Board acted unreasonably and committed errors of law when it rendered its decision. See Doc. 1.

Analysis

I. Issues Not Raised Before the Board

Pine Hollow’s arguments for reversing the Board’s decision include several that were not raised before the Board. Specifically, Pine Hollow contends that the Board erred by failing to analyze “all site plan criteria for the entire property.” Doc. 10 at 4 (Pl.’s Mem. of Law). It also argues that the Board did not perform a boundary survey and impermissibly relied on Tiki Plaza’s “green space calculations.” Id. at 4, 11. The Board submits that Court should not consider these issues as they were not brought before the Board or addressed at the hearing on the application. See Doc. 9 at 5, 11 (Def.’s Mem. of Law).

“In governmental proceedings, interested parties are entitled to object to any error they perceive but they are not entitled to take later advantage of error they could have discovered or chose to ignore at the very moment when it could have been corrected.” Bayson Props. v. City of Lebanon, 150 N.H. 167, 172 (2003); see also Alexander et al. v. City of Nashua, No. 226-2019-CV-00845, Court Doc. 32 at 14 (Apr. 13, 2021) (Temple, J.), aff’d, 2022 WL 601923 (N.H. Feb. 18, 2022) (nonprecedential) (declining to address the plaintiffs’ argument on appeal when “there was nothing in the meeting minutes demonstrating that the plaintiffs adequately raised concerns . . . while in front of the Planning Board.”).

In this case, Pine Hollow, through its owner Mr. Heavey, expressed its concerns to the Board in a pre-hearing email, see CR at 67, and in comments during the hearing, id. at 95–106. However, nothing in the Certified Record or the meeting minutes reflects that he expressed any concerns regarding the necessity for a site plan review of the entire Property, the lack of a boundary survey, or the issue of green space. See id. Rather, Heavey used his time before the Board to voice objections regarding parking, the impact on traffic, and his primary concern of rain runoff onto the Campground. See id. Pine Hollow took full advantage of its opportunity to air those concerns before the Board; it cannot now seek to take advantage of errors on appeal that could have been addressed at the hearing. The Court therefore declines to address these issues here. See Bayson Props., 150 N.H. at 172.

II. Issues Raised Before the Board

The Court turns now to the issues Pine Hollow raised before the Board. Pine Hollow argues that the Board’s decision should be vacated or remanded because the Board: (1) failed to consider the traffic and parking impacts on surrounding properties; (2) unreasonably relied on a flawed Stormwater Management Analysis; and (3) failed to make specific findings of fact under RSA 676:3, I. See Doc. 10. The Board responds by arguing that the certified record demonstrates it engaged in the appropriate analysis,

relied on proper expert evidence, and made the requisite findings of fact to support its decision. See Doc. 9.

a. Parking and Traffic

The Court finds that the Board adequately considered the traffic and parking issues before granting conditional approval of the application. Pine Hollow's traffic argument was focused on the inadequacy of space for delivery trucks to turn and make deliveries. See CR at 100. While Pine Hollow is correct that the adequacy of turning space on an applicant's property is within the purview of the Board, see id. at 165 at §7.8, the record demonstrates that the Board adequately considered this issue. Specifically, the Chairman asked one of the Board members, Rob Mora, the former assistant planner and zoning technician for Laconia, whether he saw the turning space issue "as a problem based on the site plan." Id. at 109. Mora responded:

I don't think that's an issue with the site plan concerning vehicles having a turnaround point there . . . [T]here's no requirement for them to have a turnaround point within that parking area for fire apparatus in an area like that . . . And I'm sure TRC reviewed that with the fire department. I'm sure if there was an issue with that, the chief would have brought that forward.

Id. at 109–10.

A planning board is "entitled to rely in part on its own judgement and experience in acting upon applications," provided the decision is based on more than the board's personal opinions alone. Ltd. Editions Props. Inc. v. Town of Hebron, 162 N.H. 488, 497 (2011). In addition to Board Member Mora's experience, the Board also considered the testimony of Tiki Plaza's abutter, Kevin Hayhurst, who never had an issue with traffic in or around the Property, see CR 106-108, and the lack of any concern from Public Works, see CR 64, 109. Thus, the record supports the Board's finding that Tiki Plaza's application met the Site Plan Review Regulations under Section 7.8. See CR. at 140.

Regarding the parking issue, the Board ultimately determined that there were sufficient spaces for the proposed use of the proposed building. The Board submits that three spaces would be required for the proposed building. See Doc. 9 at 8. Two exterior spaces were documented in Tiki Plaza's application, see CR at 5, and Focareto testified before the Board that an additional space would be located inside the building, id. at 85. Pine Hollow's argument before the Board was focused not on the parking in or around the proposed building, but rather on the use of parking areas on the Campground by the Property's existing businesses. See id. at 102. Similarly, Pine Hollow's argument here is focused on the Board's alleged failure to analyze whether "the addition of just two spaces will be adequate for the three retail uses in the front and the two new tenants in the rear." Doc. 10 at 4 (emphasis added).

The Court finds that the Board engaged in the required analysis and reasonably found that the three spaces provided by the applicant met the Site Plan Review Regulation requiring applicants to “provide for parking . . . to be situated on the same parcel of land as the . . . structure.” CR at 165 at §7.8. The question is not whether this Court would have made the same determination as the Board, but whether the Board’s finding was reasonably supported by the evidence before it; the Court finds that it was. Any further dispute regarding the adequacy of current parking for Tiki Plaza’s existing business was beyond the scope of the application before the Board. To the extent that Pine Hollow claims the Board erred in considering the interior parking space to satisfy the ordinance, such a claim must be appealed to the Zoning Board of Adjustment. See RSA 676:5, III; RSA 677:15, I-a (a); see also Atwater v. Town of Plainfield, 160 N.H. 503, 509 (2010) (“when the planning board makes a decision ‘based upon the terms of the ordinance . . .’ a party must first appeal that decision to the zoning board of adjustments pursuant to RSA 676:5, III. Only after the board of adjustments has rendered a decision may the issue be appealed to the superior court.”).

b. Stormwater Management

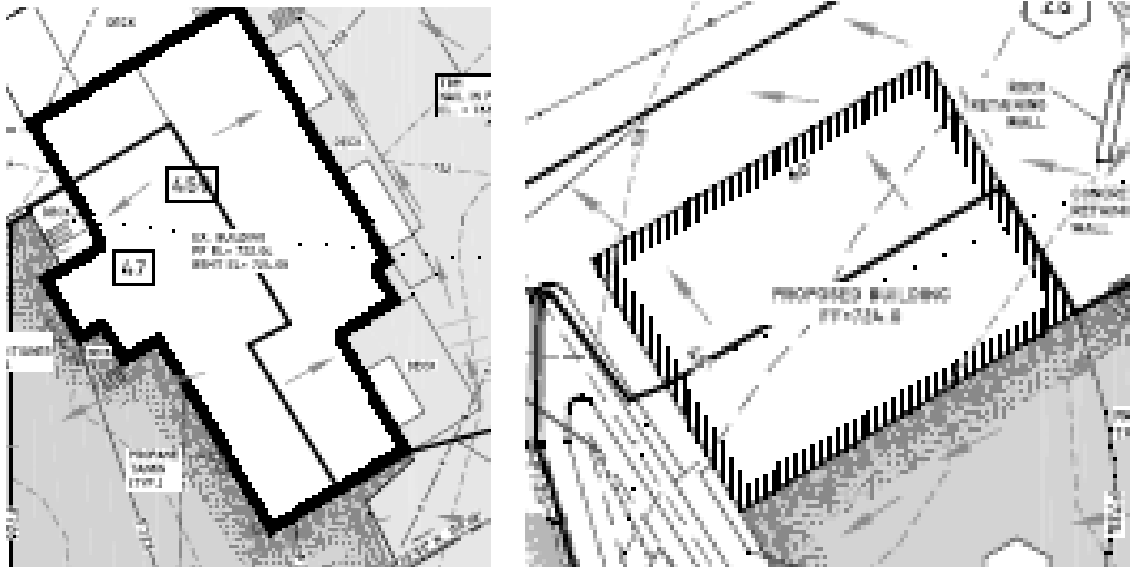
The Court turns next to Pine Hollow’s claim that there is insufficient evidence in the record to support the Board’s determination that the proposed building would not increase water runoff onto the Campground.

In reviewing this aspect of the planning board’s decision, the Court “must determine whether there is evidence upon which the planning board’s findings could have been reasonably based.” Motorsports Holdings, LLC v. Town of Tamworth, 160 N.H. 95, 106–07 (2010). Application of this standard is “based upon the premise that the planning board has made findings that provide an adequate record of the board’s reasoning sufficient for a reviewing court to render meaningful review,” *id.* at 107. Where the reasons for the planning board’s decision are unclear from the record, the case may be remanded to the board for more definitive findings of fact. See Kalil v. Town of Dummer Zoning Board, 155 N.H. 307, 310 (2007); see also PPI Enterprises, LLC v. Town of Windham, No. 2020-0249, 2021 WL 2580598, at *4 (N.H. June 23, 2021) (nonprecedential).

Pine Hollow argues that the Board’s reliance on the Report was unreasonable for two reasons. First, Pine Hollow argues that the Report’s analysis is based on a gable roof (peaked in the center) which would direct one-half of rainwater runoff towards the south, i.e., into the subcatchment area served by the retention pond, whereas the actual proposal was for a mono-pitch roof (peaked on the southern side of the building) which would direct runoff only to the north, i.e., towards the Campground. See Doc. 10 at 6. Pine Hollow argues that the “line splitting the 2700 square foot building” on the diagram in the Report reflects this mistaken assumption of a gable roof and shows that “the actual proposed building is likely to produce far more runoff directed at the campground than [Tiki Plaza’s] engineer considered.” *Id.* Second, Pine Hollow contends that, to the extent the Board felt the roof runoff was addressed by the retention pond, that determination was unsupportable because the retention pond is at a higher elevation

than the northern back of the building; thus, water from the roof could not possibly flow to the retention area because “water does not flow uphill.” Doc. 11 at 3.

The Court is unable to determine from the present record how the Board understood the Report. It is true, as counsel for the Board notes, that the gray arrows shown on the diagram depict roof runoff from the proposed building flowing only in one direction (to the north), and that the same diagram shows runoff from the existing building—which has a center-peaked roof—flowing in two directions. See CR at 59 (excerpted images below showing the existing building on the left and the proposed building on the right):



Counsel for the Board argues that this comparison shows the Report correctly assumed that rainwater would run off the roof of the proposed building only towards the Campground. That argument, however, is difficult to reconcile with the “Subcatchment Area Line” shown on the diagram running the central length of the roof, which would appear to include half of the roof in the same subcatchment area as the retention pond. The Court does not understand how, if the Report was based on a mono-pitch roof, the front half of the roof could lie within one catchment area and the back half within another.

Nor is it clear to the Court whether or how the Board understood water runoff from the roof would be mitigated by the proposed stormwater basin. Certain comments by the Board appear to indicate that the Board was relying on the basin to assuage the concerns expressed by Pine Hollow. See C.R. 126-127 (“I believe that the retention area will take care of the 2,700 square-foot building. There’s not going to be additional runoff because that building is there, because they’ve addressed it with the retention area . . . the retention area is enough to satisfy the 2,700 square-foot building.”) Such reliance would be hard to understand since, as Pine Hollow notes, water cannot flow uphill. Other comments and actions by the Board—including the requirements of a gravel catchment area under the drip edge of the proposed structure, see id. at 90, and

a review of stormwater calculations by Public Works, *id.* at 140—would indicate that the Board realized further mitigation may be necessary.

Finally, the Court is unclear if the Board’s determination that the project will not increase water runoff was based on the property line as a whole, or on the particular segment of the line that is of critical concern to Pine Hollow—that is, the part of the line behind the proposed building. See e.g., C.R. at 113 (Focareto’s statement that “we pick the point of analysis as the property line as a whole line, not just that one point, but all the water that . . . comes onto our property and then . . . leaves our property[.]”). As counsel for Pine Hollow explained at the hearing, this part of the line is of particular concern because of its immediate proximity to several campsites on that part of its property.

The lack of clarity on the above points is reflected, at least in the Court’s mind, by the Chairman’s statement immediately preceding the final vote:

THE CHAIRMAN: Okay. So that would be the motion. And the finding would be that the board specifically finds that the drainage – that this project will not increase the runoff onto the abutters’ property and is intended to decrease it. Whether it does or not is – you know, I mean that’s – they’ve addressed it.

Id. at 126 (emphasis added).

The Court finds that the Board has not made a sufficient record of the reasons for its determination that the project will not increase water runoff onto the abutting property to enable meaningful review. The matter is therefore remanded to the Board for further explanation and findings on the stormwater runoff issue. See Motorsports, 160 N.H. at 107; see also Kalil, 155 N.H. at 311 (remand is appropriate in the context of a ZBA appeal when a court is “uncertain as to the board’s rationale or conclusions.”) On remand, the Board should explain its understanding of the Report and address the other issues discussed above in this section.

To be clear, the Court does not express any opinion on what findings the Board should make. The Court’s sole concern, at this time, is that the Board produce a record with findings that are explained with sufficient clarity to facilitate “meaningful appellate review” if its decision is appealed again. See Motorsports, 160 N.H. at 105.

c. Specific Findings of Fact

The Court concludes by briefly addressing Pine Hollows objection under RSA 676:3, I. That statute provides that a decision by the Board “shall include specific written findings of fact that support the decision.” The Court is in general agreement with counsel for the Board that the statute cannot reasonably be construed as requiring

specific written findings as to every site plan regulation supporting an approval.¹ See Doc. 9 at 7 (a written decision that goes “through every site plan review criterion and explain why it was met . . . would take hours at each board meeting and would take pages to document in a notice of decision”). To be clear, this is not what the Court is directing here. Rather, the Court respectfully directs the Board to state its findings and reasoning sufficiently for the Court to understand the considerations that support its conclusion.

Conclusion

For the reasons set forth above, the Board’s decision is **AFFIRMED IN PART** and **REMANDED** to the Planning Board for further findings and proceedings consistent with the above.



November 20, 2023

Hon. Mark D. Attorri

Clerk's Notice of Decision
Document Sent to Parties
on 11/20/2023

¹ RSA 676:3, I, mandates “automatic reversal and remand by the superior court” if the Board fails “to make specific written findings of fact supporting a disapproval.” (Emphasis added.)

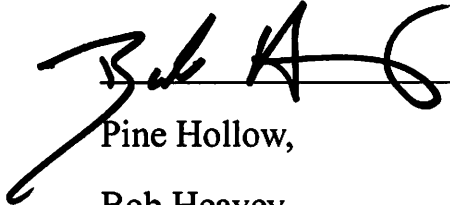
Pine Hollow and Tiki Plaza LLC

Settlement Agreement


March 19, 2024

1. A test pit shall be dug in the location of the proposed detention area to demonstrate at least five feet of natural soil without hitting ground water and Pine Hollow and/or its representatives shall be allowed to be present.
2. As compared to the December 28, 2022 plans that were submitted to the Laconia Planning Board, the Detention Area will be at least one-half (.5) feet deeper and will extend at least five feet further to the south, with the discharge going to the south.
3. Gutters for the roof of the proposed building will direct water to drainage piping that will be sloped down toward the detention area.
4. The detention area will have media depth of 18 inches below the base as indicated in paragraph 2.
5. Applicant will plant grass in some areas originally identified as impervious surfaces on the original plan.
6. The test pit will be dug in June or July 2024.
7. If the test pit shows at least five feet of natural soil without ground water, the Applicant's engineer will create an amended site plan showing the proposed increase in detention area. If the test pit does not show at least five feet, then the Applicant shall propose an alternative solution within 180 days of the test pit.
8. Pine Hollow Campground shall have 60 days following receipt of the engineer's plan to have its own engineer review the plan and any hydraulic analysis and produce a report which shall be shared with the Applicant.
9. Any amendment to the site plan may be submitted no less than 14 days after receipt of Pine Hollow's engineer's report.
10. As a condition of Planning Board approval, there shall be a third-party inspection of construction of the detention area to be completed at the Applicant's expense for the purpose of determining whether the Applicant's construction was completed in accordance with the plans.

11. Should the detention area not function properly in the future, Pine Hollow shall request inspection and enforcement by the Laconia City Planning Director or City Manager.
12. The parties shall file a joint Motion to Stay the Supreme Court appeal for a period of 12 months.

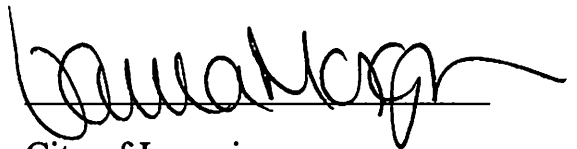


Pine Hollow,
Bob Heavey



Don Gagnon (Mar 22, 2024 11:35 EDT)

Tiki Plaza,
Don Gagnon



City of Laconia,
Laura Spector-Morgan







Settlement Agreement

Final Audit Report

2024-03-22

Created:	2024-03-22
By:	Amy Smith (asmith@nco-law.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMVd7seH4g8gvTp9EI7dreekOOKIqwffMF

"Settlement Agreement" History

-  Document created by Amy Smith (asmith@nco-law.com)
2024-03-22 - 2:31:58 PM GMT
-  Document emailed to Don Gagnon (life2@metrocast.net) for signature
2024-03-22 - 2:32:02 PM GMT
-  Email sent to ewood@nco-law.co bounced and could not be delivered
2024-03-22 - 2:32:15 PM GMT
-  Email viewed by Don Gagnon (life2@metrocast.net)
2024-03-22 - 3:34:48 PM GMT
-  Document e-signed by Don Gagnon (life2@metrocast.net)
Signature Date: 2024-03-22 - 3:35:19 PM GMT - Time Source: server
-  Agreement completed.
2024-03-22 - 3:35:19 PM GMT



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December 31, 2025

Rob Mora, Director
Laconia Planning Board
45 Beacon Street, East
Laconia, N.H. 03246

**Re: PB2026-021; 604 Endicott St N
Jurisdiction of the Planning Board**

Dear Director Mora and Members of the Planning Board:

Please accept these comments in reference to PB2026-021 for Tiki Plaza LLC and distribute to the Planning Board in advance of the January 6, 2026, public hearing. This firm represents Pine Hollow Campground, an abutter to Tiki Plaza. Contrary to the arguments recently provided by the applicant, the Planning Board both has the authority and the obligation to consider the entire site and all applicable site plan review regulations.

1. The Planning Board has Jurisdiction to Consider All Regulations and the Entire Site

In the applicant's December 19, 2025 letter from legal counsel, Attorney Wood asserts that the Planning Board lacks subject matter jurisdiction over anything the applicant does not want the Planning Board to consider. He is incorrect. The Planning Board's jurisdiction is not determined by the scope of a proposed amendment or a settlement agreement but by statute and the Laconia site plan review regulations. In particular, RSA 674:43-44 authorizes the Planning Board to adopt site plan review regulations subject to a waiver process and the Laconia site plan review regulations regulate, among other issues, requires analysis of the traffic, parking, lighting and other impacts a site may have on its neighbours in addition to drainage. In fact, the Laconia Site Plan Review Regulations explicitly states, in Section 5.5, that "The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of these regulations applicable to the approval shall be applicable to such modification or amendment." All regulations applicable to a new application

are applicable to an amendment. If the applicant believes the Planning Board should not consider certain regulations, the applicant must request a waiver pursuant to RSA 674:44(III)(e).

II. The Previous Approval Was Not Affirmed by the Court

In addition, Attorney Wood misleadingly states that the initial appeal of the Planning Board's site plan approval, "The City of Laconia prevailed in Superior Court." This implies the previous approval was affirmed. In fact, the Superior Court did not affirm the decision but remanded it to the Planning Board to look at it again. An appeal was filed with the Supreme Court which is currently stayed. Therefore, Tiki's previous proposed site plan is not affirmed but merely stayed.

III. The Settlement Agreement Does Not Limit the Regulations or Area of the Site to be Considered by the Planning Board

Finally, in his December 19th letter, Attorney Wood asserts that the Planning Board's consideration of matters unrelated to drainage "would be in breach of the Settlement Agreement." Attorney Wood is wrong. There is nothing in the settlement agreement where the Planning Board agreed to limit its consideration. Likewise, there is nothing in the settlement agreement limiting Pine Hollow from raising objections to the proposed plan. Tiki knew when entering into this settlement agreement that Pine Hollow was not waiving its rights to raise other arguments. When negotiating the settlement agreement, Tiki could have demanded that Pine Hollow not raise other objections but it did not do so. The Settlement does imply, however, that Tiki will make adjustments based on Pine Hollow's engineer's review. Nevertheless, Tiki has acted in bad faith by not fixing problems that Pine Hollow identified long ago.

IV. There Are Several Problems With the Plan as Proposed

While this plan is an improvement over their May 3, 2023 plan, it is not yet a complete plan that can be approved by the Planning Board. In particular, there are several requirements of all site plans that are not included in this plan nor have waivers been sought or obtained. This includes:

1. Pursuant to Section 6.1 (5) of the Laconia Site Plan Regulations, a property survey must included with the plan.
2. Pursuant to Section 6.4 of the Laconia Site Plan Regulations, an existing conditions plan must be submitted that shows:
 - (c) The location, layout and use of existing buildings¹ and structures on the site and on abutting properties;

¹ The use of existing buildings is relevant to the parking calculations. Assuming that 4000 square feet of building and 1000 square feet of deck is being used for is being used as an "eating and drinking place" then pursuant to the Laconia Zoning Ordinance, Tiki must show 50 regular parking spaces and 2 handicapped accessible parking spaces.

(d) The location and layout of existing driveways, curb cuts, parking lot and loading areas, **including the total number of parking spaces;**

...

(o) The type and location of existing outdoor lighting;

...

(r) The location and type of existing property line monuments.

Unfortunately, none of these required elements appear on the proposed plan. There does not appear to be a separate existing conditions plan. The Planning Board cannot approve a plan without all of the required elements² or appropriate waivers.

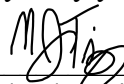
While the enlarged retention pond is an improvement, the applicant does not appear to have appropriately accounted for all of the stormwater. Pine Hollow retained engineers from Meisner Brem who determined that Brown Engineering's "hydrologic model appears to underestimate the area of Route 3 flowing onto 604 Endicott St N. No additional area was added to the revised stormwater calculations to account for this flow from Route 3." I attach their report for your consideration. The Planning Board should not approve a plan that does not properly analyse and handle the water running from Route 3 over Tiki's property and onto Pine Hollow's property.

Furthermore, Meisner Brem points out that Brown's hydrologic report indicates that the entire area to the back of the existing building is gravel which likely exaggerates the pre-construction stormwater. See attached report.

Conclusion

Before approving any plan, the Planning Board must require Tiki to first submit an existing conditions plan, based on a boundary survey and depicting all use on the property, all boundary monuments, the required number of parking spaces for the approved uses and all other items required by the Laconia Site Plan Review Regulations. The Planning Board must also require Tiki to amend its stormwater analysis or confirm that the stormwater coming off of Route 3 does not merely pass over Tiki and onto Pine Hollow's property. Finally, the Planning Board must confirm that Tiki has adequate parking on its own property as Tiki's customers have a history of parking on Pine Hollow's property.

Very truly yours,



Michael J. Tierney, Esq.

mtierney@wadleighlaw.com

² The Planning Board should not grant a waiver from showing a surveyed boundary line nor from showing all parking spaces and all uses on the site. Tiki must demonstrate that it is providing sufficient parking and is not utilizing Pine Hollow's property in order to meet its parking requirements.



June 20, 2025

Bob Heavey
Pine Hollow Campground
PO Box 745
Natick, MA 01760

Re: 604 Endicott St N, Laconia Site Plan

Dear Mr Heavey,

I have reviewed the revised Site Plan and Stormwater Management Analysis Report for 604 Endicott St N, known as Tiki Plaza. The revision date listed on these documents is January 13, 2025.

The revised stormwater design incorporates several improvements compared to the previous version of the design. These improvements will serve to better protect your property and the Pine Hollow Condominium property from stormwater-related issues. The improvements include:

- Soil testing conducted by Tiki Plaza's engineer indicates that the proposed filtration basin will be located above the water table, thus the capacity of the basin should not be impacted by groundwater.
- A roof drain is added to the proposed building. This will ensure that runoff from the roof is directed into the filtration basin.
- The filtration basin is enlarged, and will therefore provide greater control of stormwater flows.
- The pipe outlet previously shown is removed, and the filtration basin will now outlet via a 10 ft wide spillway lined with stone. This will prevent concentration of flow and reduce erosion.

There are several conditions that I recommend be addressed by Tiki Plaza's engineer:

1. As stated previously, the hydrologic model appears to underestimate the area of Route 3 flowing onto 604 Endicott St N. No additional area was added to the revised stormwater calculations to account for this flow from Route 3. The existing and proposed flows onto 554 Endicott St N are likely slightly underestimated by the model. See Figure 1 and Figure 2 on the following page:

Letter to Bob Heavey
604 Endicott St N – Stormwater Comments - Revision
June 20, 2025

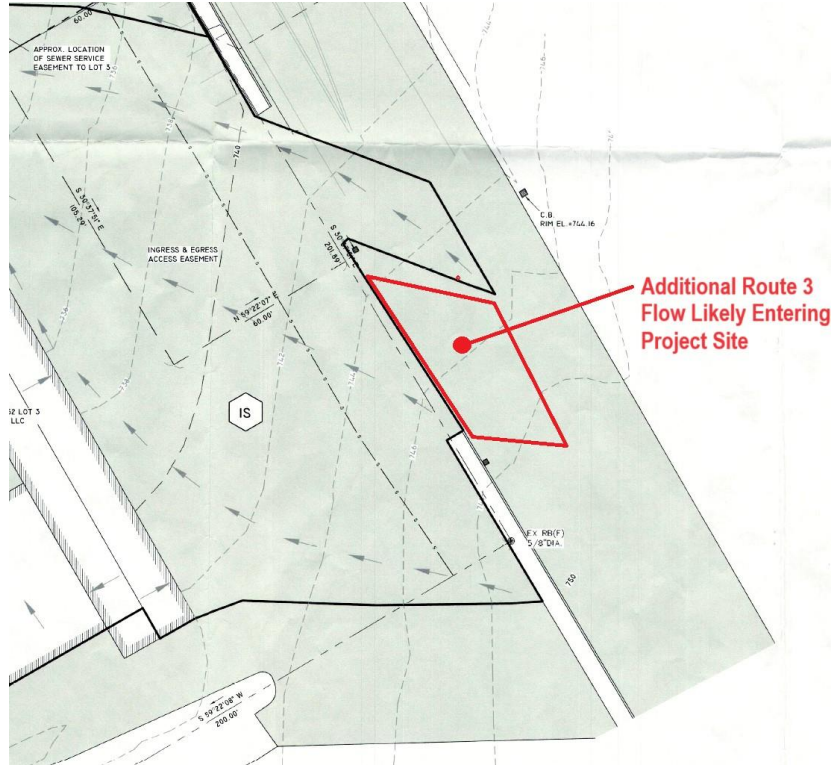


Figure 1: Route 3 Flow



Figure 2: Route 3 Flow (Online Imagery)

2. As stated previously, the Pre-Condition map depicts approximately 4,000 sq ft of existing gravel area that is not depicted on the Existing Conditions plan. This area was not added to the pre-development drainage model. If this gravel area does not exist then the model likely calculates the existing flows to be higher than they actually are. This, in turn, may result in proposed flows that are higher than the actual existing flows.

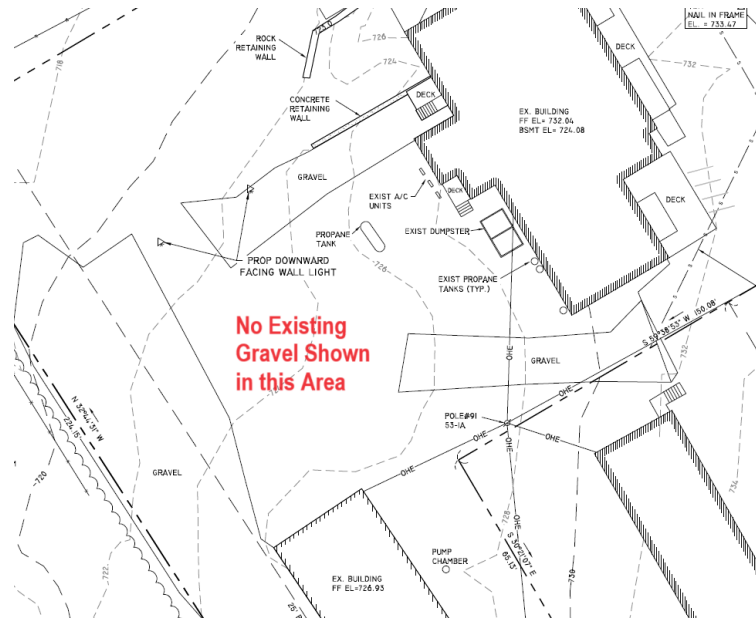


Figure 3: Rear Gravel (Existing Conditions Plan)

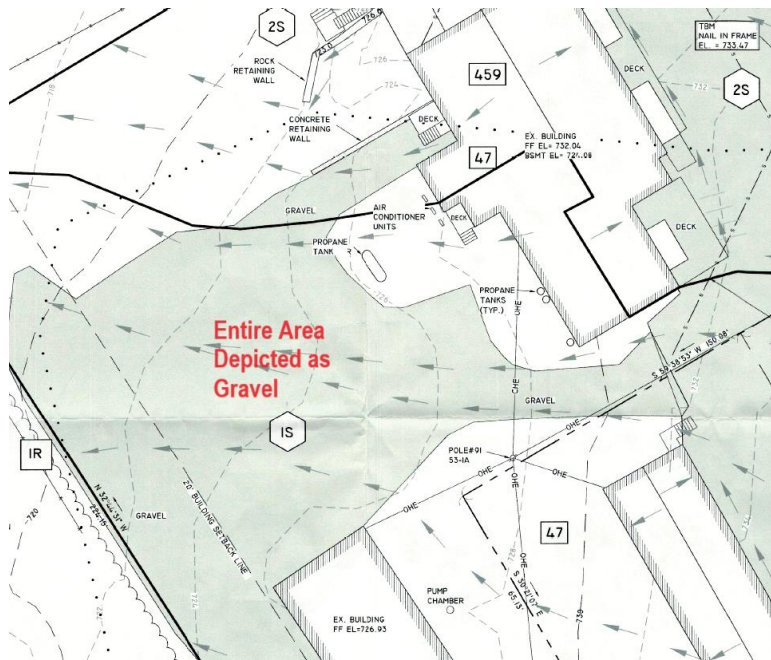


Figure 4: Rear Gravel (Pre-Condition Stormwater Map)

Letter to Bob Heavey
604 Endicott St N – Stormwater Comments - Revision
June 20, 2025

3. No pre-treatment is provided for the filtration basin. The 2008 New Hampshire Stormwater Manual, Volume 2, states that pretreatment is required prior to all filtering practices. See excerpts from the Manual included with this letter. Installation of a pretreatment device will prevent sediment from clogging the filtration system. Pretreatment is required for parking area runoff only – it is not required for roof runoff.

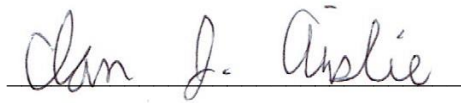
4. The plan depicts snow storage within the filtration basin. The capacity of the basin will be reduced if snow is stored within it. The snow storage should be moved to a location outside the basin.

5. The summary pages for Pond 3P (filtration basin) display a warning message: “*Early inflow requires earlier time span*”. The model begins to analyze flows 5 hours after the beginning of the storm event, and thus does not account for flows generated during those first 5 hours. The time span should be adjusted to account for these early flows. It should be noted that these early flows are typically quite small.

I hope the above comments assist you, please contact me if you require further information.

Very truly yours,

MEISNER BREM CORPORATION

A handwritten signature in cursive script that reads "Ian J. Ainslie". The signature is written in black ink and is positioned above a horizontal line.

Ian Ainslie, PE

GENERAL REQUIREMENTS APPLICABLE TO FILTERING PRACTICES

- Filtering practices are prohibited in areas of RSA 482-A jurisdiction unless a wetlands permit has been issued.
- Filtering practices are prohibited as follows, unless an impermeable liner is provided:
 - Into areas groundwater protection areas where stormwater is from a high-load area
 - Into areas where contaminants occur in groundwater above ambient standards (Env-Or 603.03)
 - Into areas where contaminants occur in soil above site-specific standards (Env-Or 600)
 - Into areas with slopes > 15%, unless calculations show that seepage will not cause slope instability
 - From areas with soil contaminants above site-specific standards (Env-Or 600)
 - From areas with underground or aboveground storage tanks regulated by RSA 146-C or RSA 146-A, where gasoline is dispensed or transferred
- ➔ ● Pretreatment is required (see Section 4-4) if BMP will receive stormwater other than roof runoff (except permeable pavements do not require pretreatment of runoff from their surfaces)
- Underdrain system is required if underlying native soil or fill soil has an infiltration rate < 0.5 inches per hour
- Where infiltration applies, the design infiltration rates must be determined in accordance with the protocols discussed in Chapter 2.
- Provide recommended clearances to seasonal high water table, to maintain adequate drainage, prevent structural damage to the filter, and minimize the potential for interaction with groundwater.

Table 3-4. Summary of BMP Restrictions Associated with High-Load and Protected Resources

Protected Resources	Stormwater from High-load Areas	Stormwater From Non High-load Areas
All Areas	<ul style="list-style-type: none"> No filtering or infiltration practices allowed from gasoline dispensing areas under regulated RSA 146-A or RSA 146-C Use of unlined detention ponds or unlined swales prohibited Source control plan required¹ 	<ul style="list-style-type: none"> Pretreatment is required prior to all filtering or infiltration practices Infiltration practices must have 3' of separation from the bottom of the practice to the SHWT Filtering practices must have an impermeable liner or 1' of separation from the bottom of the filter course to the SHWT
	<ul style="list-style-type: none"> No infiltration or unlined filtering practices within areas identified by NHDES with contaminated soils or groundwater, as defined under Env-Or 600. 	
Water Supply Wells	<ul style="list-style-type: none"> Minimum setbacks between stormwater discharge and water supply wells (see Table 3-3) 	
	<ul style="list-style-type: none"> No Exemption to minimum setbacks 	<ul style="list-style-type: none"> Exemption to minimum setbacks – if the stormwater management system receives runoff from less than 0.5 ac.
Groundwater Protection Areas	<ul style="list-style-type: none"> Infiltration practices prohibited Unlined filtering practices prohibited 	<ul style="list-style-type: none"> Infiltration practices must have 4' of separation from the SHWT Filtering practice should have: <ul style="list-style-type: none"> impermeable liner, or 1' of separation from the bottom of the practice to the SHWT, or 1' of separation from the bottom of the filter course material and twice the depth of the filter course material recommended
Water Supply Intake Protection Areas	<ul style="list-style-type: none"> Infiltration practices must have 4' of separation from SHWT Filtering practice should have: <ul style="list-style-type: none"> Impermeable liner, or 1' of separation from the bottom of the practice to the SHWT, or 1' of separation from the bottom of the filter course material and twice the depth of the filter course material recommended Minimum 100' setback between stormwater discharge and the WSIPA 	
	<ul style="list-style-type: none"> Shut-off mechanism required where bulk oil or hazardous material is transferred 	<ul style="list-style-type: none"> Exemption to 100' setback – if the stormwater management system receives runoff from less than 0.5 ac.

¹ "Source control plans" are designed to minimize the volume of stormwater coming into contact with regulated substances. Chapter 5 provides further discussion of the preparation of the Source Control Plan to specify necessary structural controls and/or operational practices to minimize contact between stormwater and regulated substances.

- Soils infiltration capacity is ultimately used in the sizing of infiltration practices when they are applicable, with soils with low infiltration capacity requiring more surface area than those with high infiltration capacity to treat the same volume of water.



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January 16, 2026

Rob Mora, Director
Laconia Planning Board
45 Beacon Street, East
Laconia, N.H. 03246

**Re: PB2026-021; 604 Endicott St N
Scope of Planning Board Review**

Dear Director Mora and Members of the Planning Board:

Please accept these comments in reference to PB2026-021 for Tiki Plaza LLC and distribute to the Planning Board in follow-up to the January 6, 2026, public hearing.

At the January 6, 2026, Planning Board Meeting, the Board expressed an interest in reading the Superior Court decision as well as any Supreme Court pleadings. Attached to this letter is the Superior Court's decision of November 20, 2023. As you can see, the Superior Court remanded solely on the issue of stormwater. This was error. Therefore, Pine Hollow filed an appeal with the New Hampshire Supreme Court on December 19, 2023, raising 10 issues including:

1. Whether the Trial Court erred in ruling that the Appellant's argument that the Planning Board failed to analyze all site plan criteria for the entire property was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.

3. Whether the Trial Court erred in ruling that the Appellant's argument that the Applicant failed to perform a boundary survey was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.

10. Whether the Trial Court erred in not reversing the approval for failure to provide a surveyed plan, failure to analyze adequacy of off street parking for all uses, failure to analyze loading facilities and the orderly flow of traffic on site or failure to re-analyze green space calculations after requiring additional gravel as a condition of approval.

See all ten issues in attached Supreme Court appeal, page 3.

Therefore, at the time the Settlement Agreement was entered into, the appeal pending at the Supreme Court included whether the Planning Board needed to apply all site plan criteria including the requirement of a boundary survey and the failure to consider the parking provided for all pre-existing and proposed uses. The Superior Court, erroneously, held that even though the issue of inadequate parking for all uses was raised by Mr. Heavey in an email, it was not raised verbally in front of the Planning Board. This was clear error that would have been corrected by the Supreme Court had we completed the original appeal. Instead, while the Supreme Court appeal was pending, agreed to remand back to the Planning Board.¹ The Settlement Agreement does not purport to limit the jurisdiction of the Planning Board. The Laconia Site Plan Review Regulations does however state, in Section 5.5, that “The Planning Board shall have the power to modify or amend its approval of a site plan . . . All of the provisions of these regulations applicable to the approval shall be applicable to such modification or amendment.” All regulations applicable to a new application are applicable to an amendment. If the applicant believes the Planning Board should not consider certain regulations, the applicant must request a waiver pursuant to RSA 674:44(III)(e). The Board should not grant waivers from Section 6.1 (5) of the Laconia Site Plan Regulations which requires a property survey be included with the plan. Nor should the Board grant a waiver from Section 6.4 of the Laconia Site Plan Regulations which requires the existing conditions show:

(c) The location, layout and use of existing buildings and structures on the site and on abutting properties;

(d) The location and layout of existing driveways, curb cuts, parking lot and loading areas, including the total number of parking spaces;

...

(o) The type and location of existing outdoor lighting;

...

(r) The location and type of existing property line monuments.

Very truly yours,



Michael J. Tierney, Esq.
mtierney@wadleighlaw.com

¹ While the Superior Court’s ruling that the issues were not preserved by Mr. Healey’s email was clear error, it becomes a moot issue where these issues have all been addressed both in writing by me **as well as verbally at the January 6, 2026 hearing.** The Planning Board cannot argue, as it had in 2023, that the issues were not first brought to the Planning Board for consideration.

STATE OF NEW HAMPSHIRE

BELKNAP, S.S.

SUPERIOR COURT

Pine Hollow Camping World, Inc. d/b/a
Pine Hollow Campground

v.

City of Laconia – Planning Board

No. 211-2023-CV-00116

ORDER

Plaintiff, Pine Hollow Camping World, Inc. d/b/a Pine Hollow Campground (“Pine Hollow”) brings this action to appeal a decision of the City of Laconia Planning Board (the “Board”) approving an application by Tiki Plaza LLC (“Tiki Plaza”) to construct a 2,700 square-foot structure on property abutting Pine Hollow’s campground (the “Campground”). See Doc. 1 (Compl.). The Court held a hearing on Pine Hollow’s appeal on September 11, 2023. After reviewing the pleadings and record, the arguments presented at the hearing, and the applicable law, the Court rules as follows.

Standard of Review

When a decision of a planning board is appealed to the superior court, “[t]he court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.” RSA 677:15, V. “Thus, the trial court’s review is limited.” Girard v. Town of Plymouth, 172 N.H. 576, 581 (2019). “The trial court must treat the factual findings of the planning board as prima facie lawful and reasonable and cannot set aside its decision absent unreasonableness or an identified error of law.” Id. “The appealing party bears the burden of persuading the trial court that, by balance of the probabilities, the board’s decision was unreasonable.” Id. “The trial court determines not whether it agrees with the planning board’s findings, but whether there is evidence upon which its findings could have reasonably been based.” Id.

Facts

Tiki Plaza owns property at 604 Endicott Street in Laconia (the “Property”). The Property consists of one building that houses a craft beer retail store, a screen-printing and embroidery business, a candy and chocolate retailer, and a woodworking shop.

The Property abuts the southern boundary of the Campground. See Certified Record of Proceedings Before the Board (“CR”) at 2, 5.

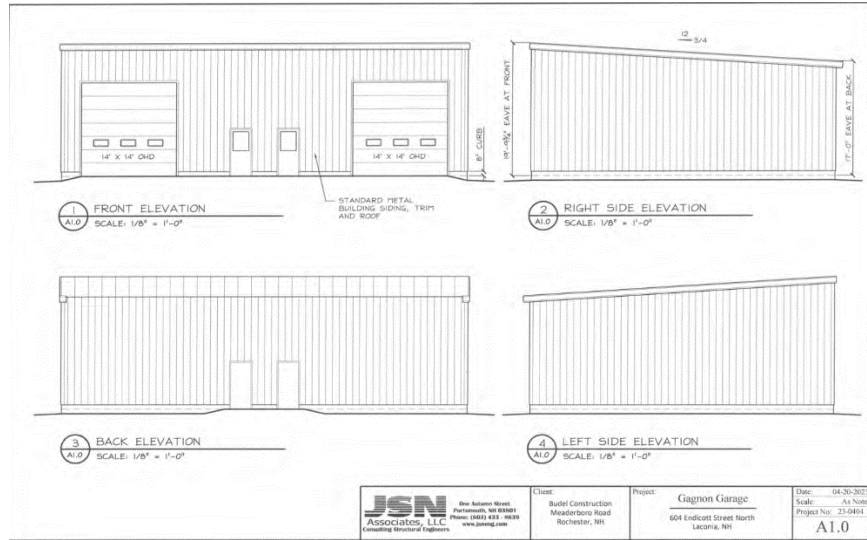
On March 27, 2023, Tiki Plaza submitted a “Planning Board Application” to construct a 2,700 square-foot metal building. See id. at 1. Included with the application was a “Stormwater Management Report” (the “Report”). See id. at 10.

The diagram below is included in the Report. It shows the proposed 2,700 square-foot building at the northwest corner of the Property (upper left on the diagram), just south of the Campground’s property line. The dashed grey lines spanning from the northeast to the southwest, throughout the diagram, indicate that the Property is on a grade that slopes downward to the Campground, which is on a lower elevation than the Property and the proposed building.



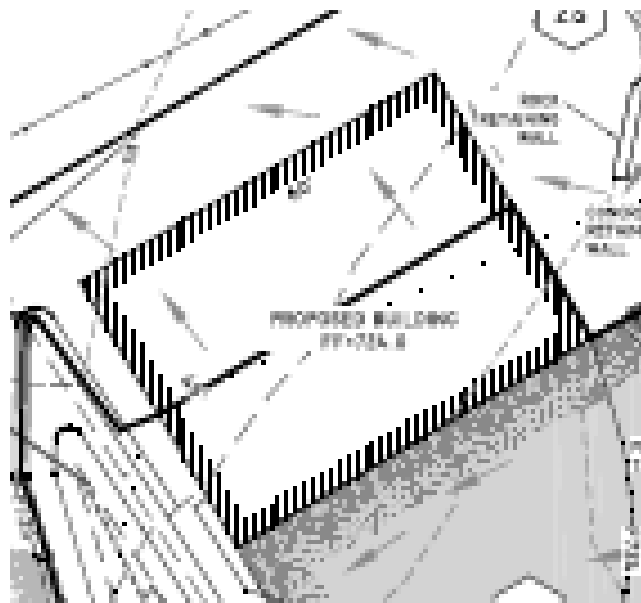
Id. at 59.

The application also includes a diagram of the proposed building:



Id. at 3. This diagram shows that the proposed building will have a mono-pitch roof with the highest elevation in the front of the building and the lowest elevation in the back, closer to the Campground.

The first diagram reproduced above is arguably ambiguous in its depiction of the roof. The following image, extracted from that diagram, includes grey arrows showing the direction in which rain would flow from the front of the building to the back. However, it also includes a solid line running the length of the roof which the legend indicates is a stormwater "Subcatchment Area Line." This suggests a gabled (peaked) roof, since a mono-pitch roof would presumably lie entirely within a single catchment area:



Id. at 59.

A representative for Tiki Plaza, Mario Focareto, explained the following to the Board:

You'll see from the arrows that the storm water from the roof will run – just run off, most of it not caught into the stormwater basin. But that's part of the analysis, as well . . . that's been taken into account when we do the analysis. So in order to make the runoff lesser at the [Campground's] property line, we need to capture some of it and slow it down. And that's what we do.

Id. at 83.

In the southeast (lower left) corner of the image is a representation of the stormwater basin, or retention pond, that Focareto referenced. The stormwater basin is designed to catch rainwater before it flows over onto the Property's abutters. See id. As noted above, the grey arrows on the diagram appear to indicate rain from the roof being directed towards the Campground rather than the stormwater basin. See id. The Report concludes that "[t]he proposed site development by Tiki Plaza LLC will not create any adverse effects downstream in storm water flow rates or quality." Id. at 10.

On May 1, 2023, Pine Hollow's owner, Bob Heavey, sent an email expressing Pine Hollow's concerns regarding the proposal. See id. at 67. They included the sufficiency of parking following construction of the proposed building, and the need for a traffic consultant to ensure that large trucks making deliveries to the Property have enough space to turn. Id. Pine Hollow also expressed concern about stormwater runoff; it requested that the proposed building be constructed with a roof that would direct water to flow back onto the Property and not the Campground. Id.

On May 3, 2023, the Board held a meeting on the application. Id. at 76. The Board heard statements from Focareto, Heavey, and the Board's staff members before rendering their decision on the application.

Heavey explained his drainage concerns to the Board by saying, "[T]hey're trying to put all the water onto our property, all of it. There's no other place for it to go, as they show it being funneled and dump two feet, three feet from our property line." Id. at 95. Focareto responded:

[W]hat we do when we do these hydraulic analyses is look at the point of analysis. So this property line at the point of analysis . . . And what you'll see is when we break it out, a lot of the water does get into the pond area; but some of it doesn't, so you have to take the summation of all this runoff area. But I think it's . . . a good concern. It's a common concern, and that's why we pick the point of analysis as the property line as a whole line, not just that one point, but all the water that . . . comes onto our property and then . . . leaves our property onto [the Campground]. And that's what we look at specifically for that comment.

Id. at 113.

Board Member Dellavecchia further commented “I believe that the retention area will take care of the 2,700 square-foot building. There’s not going to be additional runoff because that building is there, because they’ve addressed it with the retention area . . . the retention area is enough to satisfy the 2,700 square-foot building. So I’m in favor of it.” Id. at 126–27.

However, the Board still required Tiki Plaza to install a “[g]ravel catchment area to be put under [the] drip edge of [the] proposed structure” in order to further slow the flow of rainwater, allowing it to infiltrate back into the ground. See id. at 90, 140.

The Board then addressed Pine Hollow’s concerns about traffic in the following exchange:

THE CHAIRMAN: [T]he flow of traffic within their property is their problem not . . . the City’s, not abutters, right? Or am I misunderstanding[?]

HEAVEY: No, no, you’re right . . .

THE CHAIRMAN: I think your suggestions are very good, but I think . . . and this is just me – I think the Board’s interest in this is to make sure that this development does not have an adverse effect on abutters, including yourself. I think part of what you’re saying is they should be doing a better job in their site planning. But that’s not within the purview of the Board and – or the abutters, for that matter.

HEAVEY: But we just don’t want to [have] water coming on our property.

Id. at 104.

The Board also considered the adequacy of parking. See id. at 85. Tiki Plaza represented that the proposed building would be used by “an antique guy that might want . . . to work on one or two cars” and “a landscape guy that contacted me, might be interested.” Id. at 86. According to Tiki Plaza, “[t]hey’re not going to have 33 cars in the parking lot because it’s not designed for that.” Id. at 88. Ultimately, the proposed building would have two exterior parking spaces, see id. at 5, and a space for parking inside the proposed building, see id. at 85. While Heavy brought his parking concerns to the Board, he conceded that his primary concern was about storm water drainage. See id. at 103. Accordingly, the Board found that three parking spaces were sufficient for the anticipated uses of the proposed building. See id. at 140.

After considering Tiki Plaza’s application and Pine Hollow’s concerns, the Board granted conditional approval to begin construction of the proposed building. See id. at 140–41.

Pine Hollow then filed the instant appeal, alleging that that Board acted unreasonably and committed errors of law when it rendered its decision. See Doc. 1.

Analysis

I. Issues Not Raised Before the Board

Pine Hollow’s arguments for reversing the Board’s decision include several that were not raised before the Board. Specifically, Pine Hollow contends that the Board erred by failing to analyze “all site plan criteria for the entire property.” Doc. 10 at 4 (Pl.’s Mem. of Law). It also argues that the Board did not perform a boundary survey and impermissibly relied on Tiki Plaza’s “green space calculations.” Id. at 4, 11. The Board submits that Court should not consider these issues as they were not brought before the Board or addressed at the hearing on the application. See Doc. 9 at 5, 11 (Def.’s Mem. of Law).

“In governmental proceedings, interested parties are entitled to object to any error they perceive but they are not entitled to take later advantage of error they could have discovered or chose to ignore at the very moment when it could have been corrected.” Bayson Props. v. City of Lebanon, 150 N.H. 167, 172 (2003); see also Alexander et al. v. City of Nashua, No. 226-2019-CV-00845, Court Doc. 32 at 14 (Apr. 13, 2021) (Temple, J.), aff’d, 2022 WL 601923 (N.H. Feb. 18, 2022) (nonprecedential) (declining to address the plaintiffs’ argument on appeal when “there was nothing in the meeting minutes demonstrating that the plaintiffs adequately raised concerns . . . while in front of the Planning Board.”).

In this case, Pine Hollow, through its owner Mr. Heavey, expressed its concerns to the Board in a pre-hearing email, see CR at 67, and in comments during the hearing, id. at 95–106. However, nothing in the Certified Record or the meeting minutes reflects that he expressed any concerns regarding the necessity for a site plan review of the entire Property, the lack of a boundary survey, or the issue of green space. See id. Rather, Heavey used his time before the Board to voice objections regarding parking, the impact on traffic, and his primary concern of rain runoff onto the Campground. See id. Pine Hollow took full advantage of its opportunity to air those concerns before the Board; it cannot now seek to take advantage of errors on appeal that could have been addressed at the hearing. The Court therefore declines to address these issues here. See Bayson Props., 150 N.H. at 172.

II. Issues Raised Before the Board

The Court turns now to the issues Pine Hollow raised before the Board. Pine Hollow argues that the Board’s decision should be vacated or remanded because the Board: (1) failed to consider the traffic and parking impacts on surrounding properties; (2) unreasonably relied on a flawed Stormwater Management Analysis; and (3) failed to make specific findings of fact under RSA 676:3, I. See Doc. 10. The Board responds by arguing that the certified record demonstrates it engaged in the appropriate analysis,

relied on proper expert evidence, and made the requisite findings of fact to support its decision. See Doc. 9.

a. Parking and Traffic

The Court finds that the Board adequately considered the traffic and parking issues before granting conditional approval of the application. Pine Hollow's traffic argument was focused on the inadequacy of space for delivery trucks to turn and make deliveries. See CR at 100. While Pine Hollow is correct that the adequacy of turning space on an applicant's property is within the purview of the Board, see id. at 165 at §7.8, the record demonstrates that the Board adequately considered this issue. Specifically, the Chairman asked one of the Board members, Rob Mora, the former assistant planner and zoning technician for Laconia, whether he saw the turning space issue "as a problem based on the site plan." Id. at 109. Mora responded:

I don't think that's an issue with the site plan concerning vehicles having a turnaround point there . . . [T]here's no requirement for them to have a turnaround point within that parking area for fire apparatus in an area like that . . . And I'm sure TRC reviewed that with the fire department. I'm sure if there was an issue with that, the chief would have brought that forward.

Id. at 109–10.

A planning board is "entitled to rely in part on its own judgement and experience in acting upon applications," provided the decision is based on more than the board's personal opinions alone. Ltd. Editions Props. Inc. v. Town of Hebron, 162 N.H. 488, 497 (2011). In addition to Board Member Mora's experience, the Board also considered the testimony of Tiki Plaza's abutter, Kevin Hayhurst, who never had an issue with traffic in or around the Property, see CR 106-108, and the lack of any concern from Public Works, see CR 64, 109. Thus, the record supports the Board's finding that Tiki Plaza's application met the Site Plan Review Regulations under Section 7.8. See CR. at 140.

Regarding the parking issue, the Board ultimately determined that there were sufficient spaces for the proposed use of the proposed building. The Board submits that three spaces would be required for the proposed building. See Doc. 9 at 8. Two exterior spaces were documented in Tiki Plaza's application, see CR at 5, and Focareto testified before the Board that an additional space would be located inside the building, id. at 85. Pine Hollow's argument before the Board was focused not on the parking in or around the proposed building, but rather on the use of parking areas on the Campground by the Property's existing businesses. See id. at 102. Similarly, Pine Hollow's argument here is focused on the Board's alleged failure to analyze whether "the addition of just two spaces will be adequate for the three retail uses in the front and the two new tenants in the rear." Doc. 10 at 4 (emphasis added).

The Court finds that the Board engaged in the required analysis and reasonably found that the three spaces provided by the applicant met the Site Plan Review Regulation requiring applicants to “provide for parking . . . to be situated on the same parcel of land as the . . . structure.” CR at 165 at §7.8. The question is not whether this Court would have made the same determination as the Board, but whether the Board’s finding was reasonably supported by the evidence before it; the Court finds that it was. Any further dispute regarding the adequacy of current parking for Tiki Plaza’s existing business was beyond the scope of the application before the Board. To the extent that Pine Hollow claims the Board erred in considering the interior parking space to satisfy the ordinance, such a claim must be appealed to the Zoning Board of Adjustment. See RSA 676:5, III; RSA 677:15, I-a (a); see also Atwater v. Town of Plainfield, 160 N.H. 503, 509 (2010) (“when the planning board makes a decision ‘based upon the terms of the ordinance . . .’ a party must first appeal that decision to the zoning board of adjustments pursuant to RSA 676:5, III. Only after the board of adjustments has rendered a decision may the issue be appealed to the superior court.”).

b. Stormwater Management

The Court turns next to Pine Hollow’s claim that there is insufficient evidence in the record to support the Board’s determination that the proposed building would not increase water runoff onto the Campground.

In reviewing this aspect of the planning board’s decision, the Court “must determine whether there is evidence upon which the planning board’s findings could have been reasonably based.” Motorsports Holdings, LLC v. Town of Tamworth, 160 N.H. 95, 106–07 (2010). Application of this standard is “based upon the premise that the planning board has made findings that provide an adequate record of the board’s reasoning sufficient for a reviewing court to render meaningful review,” *id.* at 107. Where the reasons for the planning board’s decision are unclear from the record, the case may be remanded to the board for more definitive findings of fact. See Kalil v. Town of Dummer Zoning Board, 155 N.H. 307, 310 (2007); see also PPI Enterprises, LLC v. Town of Windham, No. 2020-0249, 2021 WL 2580598, at *4 (N.H. June 23, 2021) (nonprecedential).

Pine Hollow argues that the Board’s reliance on the Report was unreasonable for two reasons. First, Pine Hollow argues that the Report’s analysis is based on a gable roof (peaked in the center) which would direct one-half of rainwater runoff towards the south, i.e., into the subcatchment area served by the retention pond, whereas the actual proposal was for a mono-pitch roof (peaked on the southern side of the building) which would direct runoff only to the north, i.e., towards the Campground. See Doc. 10 at 6. Pine Hollow argues that the “line splitting the 2700 square foot building” on the diagram in the Report reflects this mistaken assumption of a gable roof and shows that “the actual proposed building is likely to produce far more runoff directed at the campground than [Tiki Plaza’s] engineer considered.” *Id.* Second, Pine Hollow contends that, to the extent the Board felt the roof runoff was addressed by the retention pond, that determination was unsupportable because the retention pond is at a higher elevation

than the northern back of the building; thus, water from the roof could not possibly flow to the retention area because “water does not flow uphill.” Doc. 11 at 3.

The Court is unable to determine from the present record how the Board understood the Report. It is true, as counsel for the Board notes, that the gray arrows shown on the diagram depict roof runoff from the proposed building flowing only in one direction (to the north), and that the same diagram shows runoff from the existing building—which has a center-peaked roof—flowing in two directions. See CR at 59 (excerpted images below showing the existing building on the left and the proposed building on the right):



Counsel for the Board argues that this comparison shows the Report correctly assumed that rainwater would run off the roof of the proposed building only towards the Campground. That argument, however, is difficult to reconcile with the “Subcatchment Area Line” shown on the diagram running the central length of the roof, which would appear to include half of the roof in the same subcatchment area as the retention pond. The Court does not understand how, if the Report was based on a mono-pitch roof, the front half of the roof could lie within one catchment area and the back half within another.

Nor is it clear to the Court whether or how the Board understood water runoff from the roof would be mitigated by the proposed stormwater basin. Certain comments by the Board appear to indicate that the Board was relying on the basin to assuage the concerns expressed by Pine Hollow. See C.R. 126-127 (“I believe that the retention area will take care of the 2,700 square-foot building. There’s not going to be additional runoff because that building is there, because they’ve addressed it with the retention area . . . the retention area is enough to satisfy the 2,700 square-foot building.”) Such reliance would be hard to understand since, as Pine Hollow notes, water cannot flow uphill. Other comments and actions by the Board—including the requirements of a gravel catchment area under the drip edge of the proposed structure, see id. at 90, and

a review of stormwater calculations by Public Works, *id.* at 140—would indicate that the Board realized further mitigation may be necessary.

Finally, the Court is unclear if the Board’s determination that the project will not increase water runoff was based on the property line as a whole, or on the particular segment of the line that is of critical concern to Pine Hollow—that is, the part of the line behind the proposed building. See e.g., C.R. at 113 (Focareto’s statement that “we pick the point of analysis as the property line as a whole line, not just that one point, but all the water that . . . comes onto our property and then . . . leaves our property[.]”). As counsel for Pine Hollow explained at the hearing, this part of the line is of particular concern because of its immediate proximity to several campsites on that part of its property.

The lack of clarity on the above points is reflected, at least in the Court’s mind, by the Chairman’s statement immediately preceding the final vote:

THE CHAIRMAN: Okay. So that would be the motion. And the finding would be that the board specifically finds that the drainage – that this project will not increase the runoff onto the abutters’ property and is intended to decrease it. Whether it does or not is – you know, I mean that’s – they’ve addressed it.

Id. at 126 (emphasis added).

The Court finds that the Board has not made a sufficient record of the reasons for its determination that the project will not increase water runoff onto the abutting property to enable meaningful review. The matter is therefore remanded to the Board for further explanation and findings on the stormwater runoff issue. See Motorsports, 160 N.H. at 107; see also Kalil, 155 N.H. at 311 (remand is appropriate in the context of a ZBA appeal when a court is “uncertain as to the board’s rationale or conclusions.”) On remand, the Board should explain its understanding of the Report and address the other issues discussed above in this section.

To be clear, the Court does not express any opinion on what findings the Board should make. The Court’s sole concern, at this time, is that the Board produce a record with findings that are explained with sufficient clarity to facilitate “meaningful appellate review” if its decision is appealed again. See Motorsports, 160 N.H. at 105.

c. Specific Findings of Fact

The Court concludes by briefly addressing Pine Hollows objection under RSA 676:3, I. That statute provides that a decision by the Board “shall include specific written findings of fact that support the decision.” The Court is in general agreement with counsel for the Board that the statute cannot reasonably be construed as requiring

specific written findings as to every site plan regulation supporting an approval.¹ See Doc. 9 at 7 (a written decision that goes “through every site plan review criterion and explain why it was met . . . would take hours at each board meeting and would take pages to document in a notice of decision”). To be clear, this is not what the Court is directing here. Rather, the Court respectfully directs the Board to state its findings and reasoning sufficiently for the Court to understand the considerations that support its conclusion.

Conclusion

For the reasons set forth above, the Board’s decision is **AFFIRMED IN PART** and **REMANDED** to the Planning Board for further findings and proceedings consistent with the above.



November 20, 2023

Hon. Mark D. Attorri

Clerk's Notice of Decision
Document Sent to Parties
on 11/20/2023

¹ RSA 676:3, I, mandates “automatic reversal and remand by the superior court” if the Board fails “to make specific written findings of fact supporting a disapproval.” (Emphasis added.)

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH**

<https://www.courts.nh.gov>

RULE 7 NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court or circuit court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving a collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; (8) an order denying a motion to intervene; or (9) a domestic relations matter filed under RSA chapters 457 to 461-A other than an appeal from the first final order. (An appeal from the first final order issued in a domestic relations matter filed under RSA chapters 457 to 461-A should be filed on this form.)

1. COMPLETE CASE TITLE AND CASE NUMBERS IN TRIAL COURT

Pine Hollow Camping World, Inc. d/b/a Pine Hollow Campground v. City of Laconia - Planning Board

2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

Belknap Superior Court, Judge Attorri

3A. APPEALING PARTY: NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

Pine Hollow Camping World, Inc. d/b/a

**Pine Hollow Campground
PO Box 745
Natick, MA 01760**

E-Mail address: **mtierney@wadleighlaw.com**

Telephone number: **(603) 669-4140 ext**

3B. APPEALING PARTY'S COUNSEL: NAME, BAR ID NUMBER, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

Michael J. Tierney, Esq., #17173

Autumn H. Kish, Esq., #273501

**Wadleigh, Starr & Peters, PLLC
95 Market Street
Manchester, NH 03101**

E-Mail address: **mtierney@wadleighlaw.com**

Telephone number: **(603) 669-4140 ext**

4A. OPPOSING PARTY: NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

City of Laconia and Laconia Planning Board

**45 Beacon Street E
Laconia, NH 03246**

E-Mail address: **laura@mitchellgroup.com**

Telephone number: **(603) 524-3885 ext**

4B. OPPOSING PARTY'S COUNSEL: NAME, BAR ID NUMBER, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS, AND TELEPHONE NUMBER.

Laura Spector-Morgan, Esq., #13790

Mitchell Municipal Group

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Telephone number: **(603) 524-3885 ext**

Case Name: Pine Hollow Camping World, Inc. d/b/a Pine Hollow Campground v. City of Laconia - Planni
RULE 7 NOTICE OF MANDATORY APPEAL

5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING. ATTACH OR INCLUDE COPY OF NOTICE AND DECISION.
11/20/2023
DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY. ATTACH OR INCLUDE COPY OF NOTICE AND DECISION.

7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

8. APPELLATE DEFENDER REQUESTED? YES or NO: No
IF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND SUBMIT A CURRENT REQUEST FOR A LAWYER FORM (FINANCIAL STATEMENT). SEE SUPREME COURT RULE 32(4).

9. IS ANY PART OF CASE CONFIDENTIAL? YES or NO: No
IF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY. SEE SUPREME COURT RULE 12.

10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.
None

11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE? YES or NO: No
IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL? SEE SUPREME COURT RULE 15, COMMENT.
YES or NO: Yes
IF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

RULE 7 NOTICE OF MANDATORY APPEAL

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH.

1. Whether the Trial Court erred in ruling that the Appellant's argument that the Planning Board failed to analyze all site plan criteria for the entire property was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.
2. Whether the Trial Court erred by failing to address the Appellant's site plan criteria argument.
3. Whether the Trial Court erred in ruling that the Appellant's argument that the Applicant failed to perform a boundary survey was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.
4. Whether the Trial Court erred by failing to address the Appellant's boundary survey argument.
5. Whether the Trial Court erred in ruling that the Appellant's argument that the Planning Board relied on flawed green space calculations was not preserved because this was allegedly not raised at the hearing in front of the Planning Board.
6. Whether the Trial Court erred by failing to address the Appellant's green space calculation argument.
7. Whether the Trial Court erred in finding that the Planning Board adequately considered traffic and parking issues before granting conditional approval of the application.
8. Whether the Trial Court erred in finding that RSA 676:3 does not require specific written findings as to every site plan regulation supporting an approval.
9. Whether the Trial Court erred in not reversing the approval for failure to provide specific written findings.
10. Whether the Trial Court erred in not reversing the approval for failure to provide a surveyed plan, failure to analyze adequacy of off street parking for all uses, failure to analyze loading facilities and the orderly flow of traffic on site or failure to re-analyze green space calculations after requiring additional gravel as a condition of approval.

14. CERTIFICATIONS

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading. To the extent that an unpreserved issue is raised as plain error, I hereby certify that I have specifically identified that issue as plain error in section 13.

Michael J. Tierney

Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Supreme Court Rules 5(1) and 26(2) and with Rule 18 of the Supplemental Rules of the Supreme Court.

12/13/2023

Date

Michael J. Tierney

Appealing Party or Counsel

RULE 7 NOTICE OF MANDATORY APPEAL

TRANSCRIPT ORDER FORM

INSTRUCTIONS:

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Supreme Court Rule 15(3)), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the court transcriber. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.
4. The transcriber will produce a digitally-signed electronic version of the transcript for the Supreme Court, which will be the official record of the transcribed proceedings. Parties will be provided with an electronic copy of the transcript in PDF-A format. A paper copy of the transcript may also be prepared for the court.

PROCEEDINGS TO BE TRANSCRIBED (Please confirm dates with Trial Court)					
PROCEEDING DATE (List each day separately, e.g. 5/1/11; 5/2/11; 6/30/11)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	LENGTH OF PROCEEDING (in .5 hour segments, e.g., 1.5 hours, 8 hours)	RATE (standard rate unless ordered by Supreme Court)	DEPOSIT
09/11/2023	Hearing on the Merits	Hon. Mark Attorri	1.5 hours	X \$170.00	\$ 255.00
				X \$170.00	\$
				X \$170.00	\$
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				X \$170.00	\$
				TOTAL DEPOSIT	\$ 255.00

PROCEEDINGS PREVIOUSLY TRANSCRIBED					
PROCEEDING DATE (List date of each transcript volume)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	NAME OF TRANSCRIBER	DO ALL PARTIES HAVE COPY (YES OR NO)	DEPOSIT FOR ADDITIONAL COPIES
					TBD
					TBD
					TBD

NOTE: The deposit is an estimate of the transcript cost. After the transcript has been completed, you will be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.

STATE OF NEW HAMPSHIRE

BELKNAP, S.S.

SUPERIOR COURT

Pine Hollow Camping World, Inc. d/b/a
Pine Hollow Campground

v.

City of Laconia – Planning Board

No. 211-2023-CV-00116

ORDER

Plaintiff, Pine Hollow Camping World, Inc. d/b/a Pine Hollow Campground (“Pine Hollow”) brings this action to appeal a decision of the City of Laconia Planning Board (the “Board”) approving an application by Tiki Plaza LLC (“Tiki Plaza”) to construct a 2,700 square-foot structure on property abutting Pine Hollow’s campground (the “Campground”). See Doc. 1 (Compl.). The Court held a hearing on Pine Hollow’s appeal on September 11, 2023. After reviewing the pleadings and record, the arguments presented at the hearing, and the applicable law, the Court rules as follows.

Standard of Review

When a decision of a planning board is appealed to the superior court, “[t]he court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable.” RSA 677:15, V. “Thus, the trial court’s review is limited.” Girard v. Town of Plymouth, 172 N.H. 576, 581 (2019). “The trial court must treat the factual findings of the planning board as prima facie lawful and reasonable and cannot set aside its decision absent unreasonableness or an identified error of law.” Id. “The appealing party bears the burden of persuading the trial court that, by balance of the probabilities, the board’s decision was unreasonable.” Id. “The trial court determines not whether it agrees with the planning board’s findings, but whether there is evidence upon which its findings could have reasonably been based.” Id.

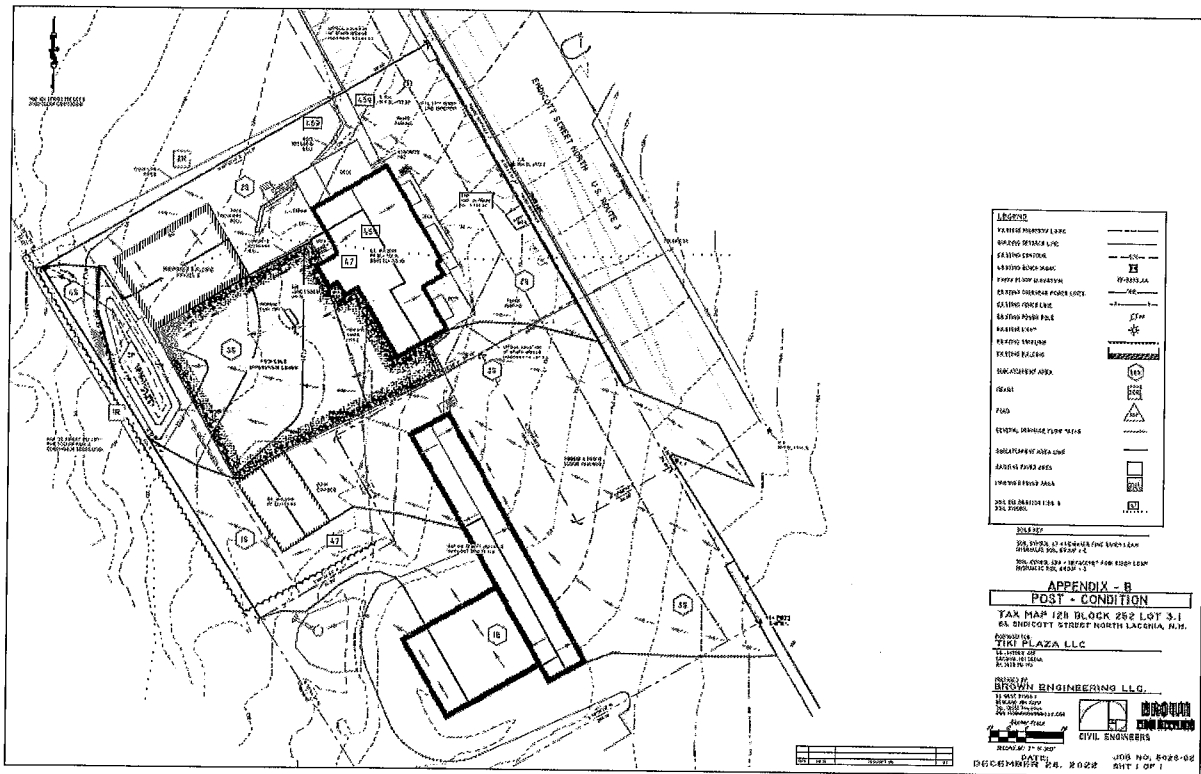
Facts

Tiki Plaza owns property at 604 Endicott Street in Laconia (the “Property”). The Property consists of one building that houses a craft beer retail store, a screen-printing and embroidery business, a candy and chocolate retailer, and a woodworking shop.

The Property abuts the southern boundary of the Campground. See Certified Record of Proceedings Before the Board (“CR”) at 2, 5.

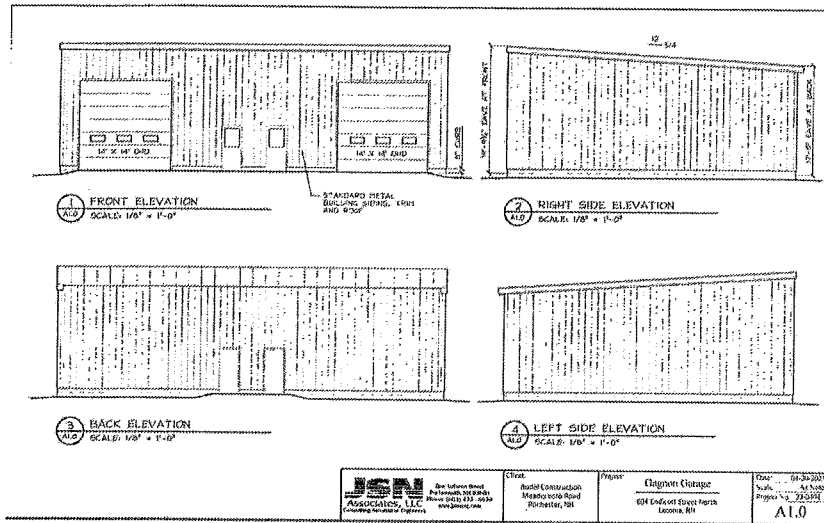
On March 27, 2023, Tiki Plaza submitted a “Planning Board Application” to construct a 2,700 square-foot metal building. See id. at 1. Included with the application was a “Stormwater Management Report” (the “Report”). See id. at 10.

The diagram below is included in the Report. It shows the proposed 2,700 square-foot building at the northwest corner of the Property (upper left on the diagram), just south of the Campground’s property line. The dashed grey lines spanning from the northeast to the southwest, throughout the diagram, indicate that the Property is on a grade that slopes downward to the Campground, which is on a lower elevation than the Property and the proposed building.



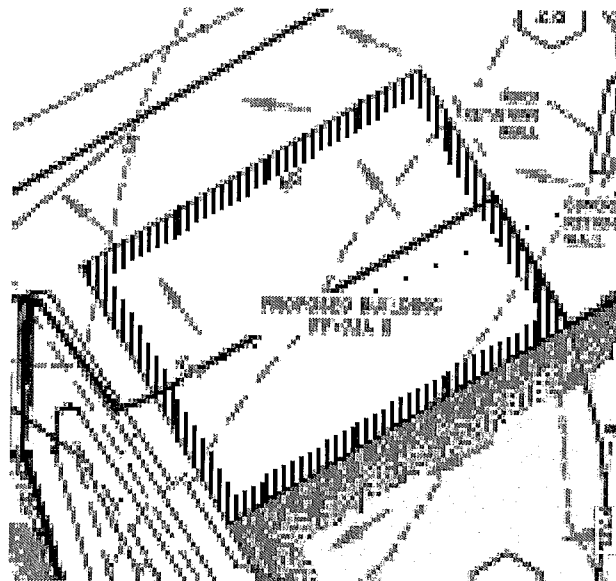
Id. at 59.

The application also includes a diagram of the proposed building:



Id. at 3. This diagram shows that the proposed building will have a mono-pitch roof with the highest elevation in the front of the building and the lowest elevation in the back, closer to the Campground.

The first diagram reproduced above is arguably ambiguous in its depiction of the roof. The following image, extracted from that diagram, includes grey arrows showing the direction in which rain would flow from the front of the building to the back. However, it also includes a solid line running the length of the roof which the legend indicates is a stormwater "Subcatchment Area Line." This suggests a gabled (peaked) roof, since a mono-pitch roof would presumably lie entirely within a single catchment area:



Id. at 59.

A representative for Tiki Plaza, Mario Focareto, explained the following to the Board:

You'll see from the arrows that the storm water from the roof will run – just run off, most of it not caught into the stormwater basin. But that's part of the analysis, as well . . . that's been taken into account when we do the analysis. So in order to make the runoff lesser at the [Campground's] property line, we need to capture some of it and slow it down. And that's what we do.

Id. at 83.

In the southeast (lower left) corner of the image is a representation of the stormwater basin, or retention pond, that Focareto referenced. The stormwater basin is designed to catch rainwater before it flows over onto the Property's abutters. See id. As noted above, the grey arrows on the diagram appear to indicate rain from the roof being directed towards the Campground rather than the stormwater basin. See id. The Report concludes that “[t]he proposed site development by Tiki Plaza LLC will not create any adverse effects downstream in storm water flow rates or quality.” Id. at 10.

On May 1, 2023, Pine Hollow's owner, Bob Heavey, sent an email expressing Pine Hollow's concerns regarding the proposal. See id. at 67. They included the sufficiency of parking following construction of the proposed building, and the need for a traffic consultant to ensure that large trucks making deliveries to the Property have enough space to turn. Id. Pine Hollow also expressed concern about stormwater runoff; it requested that the proposed building be constructed with a roof that would direct water to flow back onto the Property and not the Campground. Id.

On May 3, 2023, the Board held a meeting on the application. Id. at 76. The Board heard statements from Focareto, Heavey, and the Board's staff members before rendering their decision on the application.

Heavey explained his drainage concerns to the Board by saying, “[T]hey're trying to put all the water onto our property, all of it. There's no other place for it to go, as they show it being funneled and dump two feet, three feet from our property line.” Id. at 95. Focareto responded:

[W]hat we do when we do these hydraulic analyses is look at the point of analysis. So this property line at the point of analysis . . . And what you'll see is when we break it out, a lot of the water does get into the pond area; but some of it doesn't, so you have to take the summation of all this runoff area. But I think it's . . . a good concern. It's a common concern, and that's why we pick the point of analysis as the property line as a whole line, not just that one point, but all the water that . . . comes onto our property and then . . . leaves our property onto [the Campground]. And that's what we look at specifically for that comment.

Id. at 113.

Board Member Dellavecchia further commented “I believe that the retention area will take care of the 2,700 square-foot building. There’s not going to be additional runoff because that building is there, because they’ve addressed it with the retention area . . . the retention area is enough to satisfy the 2,700 square-foot building. So I’m in favor of it.” Id. at 126–27.

However, the Board still required Tiki Plaza to install a “[g]ravel catchment area to be put under [the] drip edge of [the] proposed structure” in order to further slow the flow of rainwater, allowing it to infiltrate back into the ground. See id. at 90, 140.

The Board then addressed Pine Hollow’s concerns about traffic in the following exchange:

THE CHAIRMAN: [T]he flow of traffic within their property is their problem not . . . the City’s, not abutters, right? Or am I misunderstanding[?]

HEAVEY: No, no, you’re right . . .

THE CHAIRMAN: I think your suggestions are very good, but I think . . . and this is just me – I think the Board’s interest in this is to make sure that this development does not have an adverse effect on abutters, including yourself. I think part of what you’re saying is they should be doing a better job in their site planning. But that’s not within the purview of the Board and – or the abutters, for that matter.

HEAVEY: But we just don’t want to [have] water coming on our property.

Id. at 104.

The Board also considered the adequacy of parking. See id. at 85. Tiki Plaza represented that the proposed building would be used by “an antique guy that might want . . . to work on one or two cars” and “a landscape guy that contacted me, might be interested.” Id. at 86. According to Tiki Plaza, “[t]hey’re not going to have 33 cars in the parking lot because it’s not designed for that.” Id. at 88. Ultimately, the proposed building would have two exterior parking spaces, see id. at 5, and a space for parking inside the proposed building, see id. at 85. While Heavy brought his parking concerns to the Board, he conceded that his primary concern was about storm water drainage. See id. at 103. Accordingly, the Board found that three parking spaces were sufficient for the anticipated uses of the proposed building. See id. at 140.

After considering Tiki Plaza’s application and Pine Hollow’s concerns, the Board granted conditional approval to begin construction of the proposed building. See id. at 140–41.

Pine Hollow then filed the instant appeal, alleging that that Board acted unreasonably and committed errors of law when it rendered its decision. See Doc. 1.

Analysis

I. Issues Not Raised Before the Board

Pine Hollow's arguments for reversing the Board's decision include several that were not raised before the Board. Specifically, Pine Hollow contends that the Board erred by failing to analyze "all site plan criteria for the entire property." Doc. 10 at 4 (Pl.'s Mem. of Law). It also argues that the Board did not perform a boundary survey and impermissibly relied on Tiki Plaza's "green space calculations." Id. at 4, 11. The Board submits that Court should not consider these issues as they were not brought before the Board or addressed at the hearing on the application. See Doc. 9 at 5, 11 (Def.'s Mem. of Law).

"In governmental proceedings, interested parties are entitled to object to any error they perceive but they are not entitled to take later advantage of error they could have discovered or chose to ignore at the very moment when it could have been corrected." Bayson Props. v. City of Lebanon, 150 N.H. 167, 172 (2003); see also Alexander et al. v. City of Nashua, No. 226-2019-CV-00845, Court Doc. 32 at 14 (Apr. 13, 2021) (Temple, J.), aff'd, 2022 WL 601923 (N.H. Feb. 18, 2022) (nonprecedential) (declining to address the plaintiffs' argument on appeal when "there was nothing in the meeting minutes demonstrating that the plaintiffs adequately raised concerns . . . while in front of the Planning Board.").

In this case, Pine Hollow, through its owner Mr. Heavey, expressed its concerns to the Board in a pre-hearing email, see CR at 67, and in comments during the hearing, id. at 95–106. However, nothing in the Certified Record or the meeting minutes reflects that he expressed any concerns regarding the necessity for a site plan review of the entire Property, the lack of a boundary survey, or the issue of green space. See id. Rather, Heavey used his time before the Board to voice objections regarding parking, the impact on traffic, and his primary concern of rain runoff onto the Campground. See id. Pine Hollow took full advantage of its opportunity to air those concerns before the Board; it cannot now seek to take advantage of errors on appeal that could have been addressed at the hearing. The Court therefore declines to address these issues here. See Bayson Props., 150 N.H. at 172.

II. Issues Raised Before the Board

The Court turns now to the issues Pine Hollow raised before the Board. Pine Hollow argues that the Board's decision should be vacated or remanded because the Board: (1) failed to consider the traffic and parking impacts on surrounding properties; (2) unreasonably relied on a flawed Stormwater Management Analysis; and (3) failed to make specific findings of fact under RSA 676:3, I. See Doc. 10. The Board responds by arguing that the certified record demonstrates it engaged in the appropriate analysis,

relied on proper expert evidence, and made the requisite findings of fact to support its decision. See Doc. 9.

a. Parking and Traffic

The Court finds that the Board adequately considered the traffic and parking issues before granting conditional approval of the application. Pine Hollow's traffic argument was focused on the inadequacy of space for delivery trucks to turn and make deliveries. See CR at 100. While Pine Hollow is correct that the adequacy of turning space on an applicant's property is within the purview of the Board, see id. at 165 at §7.8, the record demonstrates that the Board adequately considered this issue. Specifically, the Chairman asked one of the Board members, Rob Mora, the former assistant planner and zoning technician for Laconia, whether he saw the turning space issue "as a problem based on the site plan." Id. at 109. Mora responded:

I don't think that's an issue with the site plan concerning vehicles having a turnaround point there . . . [T]here's no requirement for them to have a turnaround point within that parking area for fire apparatus in an area like that . . . And I'm sure TRC reviewed that with the fire department. I'm sure if there was an issue with that, the chief would have brought that forward.

Id. at 109–10.

A planning board is "entitled to rely in part on its own judgement and experience in acting upon applications," provided the decision is based on more than the board's personal opinions alone. Ltd. Editions Props. Inc. v. Town of Hebron, 162 N.H. 488, 497 (2011). In addition to Board Member Mora's experience, the Board also considered the testimony of Tiki Plaza's abutter, Kevin Hayhurst, who never had an issue with traffic in or around the Property, see CR 106-108, and the lack of any concern from Public Works, see CR 64, 109. Thus, the record supports the Board's finding that Tiki Plaza's application met the Site Plan Review Regulations under Section 7.8. See CR. at 140.

Regarding the parking issue, the Board ultimately determined that there were sufficient spaces for the proposed use of the proposed building. The Board submits that three spaces would be required for the proposed building. See Doc. 9 at 8. Two exterior spaces were documented in Tiki Plaza's application, see CR at 5, and Focareto testified before the Board that an additional space would be located inside the building, id. at 85. Pine Hollow's argument before the Board was focused not on the parking in or around the proposed building, but rather on the use of parking areas on the Campground by the Property's existing businesses. See id. at 102. Similarly, Pine Hollow's argument here is focused on the Board's alleged failure to analyze whether "the addition of just two spaces will be adequate for the three retail uses in the front and the two new tenants in the rear." Doc. 10 at 4 (emphasis added).

The Court finds that the Board engaged in the required analysis and reasonably found that the three spaces provided by the applicant met the Site Plan Review Regulation requiring applicants to “provide for parking . . . to be situated on the same parcel of land as the . . . structure.” CR at 165 at §7.8. The question is not whether this Court would have made the same determination as the Board, but whether the Board’s finding was reasonably supported by the evidence before it; the Court finds that it was. Any further dispute regarding the adequacy of current parking for Tiki Plaza’s existing business was beyond the scope of the application before the Board. To the extent that Pine Hollow claims the Board erred in considering the interior parking space to satisfy the ordinance, such a claim must be appealed to the Zoning Board of Adjustment. See RSA 676:5, III; RSA 677:15, I-a (a); see also Atwater v. Town of Plainfield, 160 N.H. 503, 509 (2010) (“when the planning board makes a decision ‘based upon the terms of the ordinance . . .’ a party must first appeal that decision to the zoning board of adjustments pursuant to RSA 676:5, III. Only after the board of adjustments has rendered a decision may the issue be appealed to the superior court.”).

b. Stormwater Management

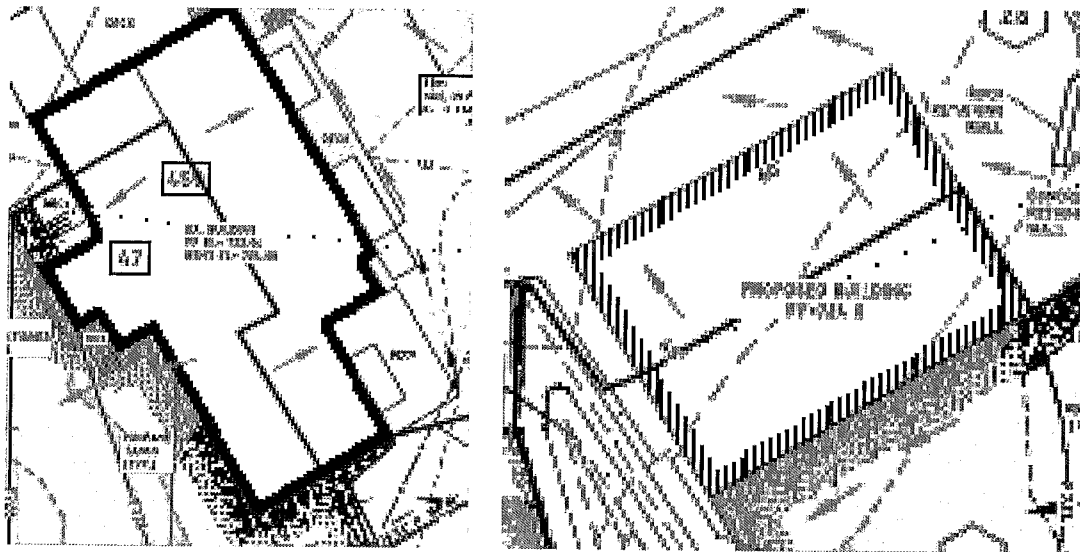
The Court turns next to Pine Hollow’s claim that there is insufficient evidence in the record to support the Board’s determination that the proposed building would not increase water runoff onto the Campground.

In reviewing this aspect of the planning board’s decision, the Court “must determine whether there is evidence upon which the planning board’s findings could have been reasonably based.” Motorsports Holdings, LLC v. Town of Tamworth, 160 N.H. 95, 106–07 (2010). Application of this standard is “based upon the premise that the planning board has made findings that provide an adequate record of the board’s reasoning sufficient for a reviewing court to render meaningful review,” id. at 107. Where the reasons for the planning board’s decision are unclear from the record, the case may be remanded to the board for more definitive findings of fact. See Kalil v. Town of Dummer Zoning Board, 155 N.H. 307, 310 (2007); see also PPI Enterprises, LLC v. Town of Windham, No. 2020-0249, 2021 WL 2580598, at *4 (N.H. June 23, 2021) (nonprecedential).

Pine Hollow argues that the Board’s reliance on the Report was unreasonable for two reasons. First, Pine Hollow argues that the Report’s analysis is based on a gable roof (peaked in the center) which would direct one-half of rainwater runoff towards the south, i.e., into the subcatchment area served by the retention pond, whereas the actual proposal was for a mono-pitch roof (peaked on the southern side of the building) which would direct runoff only to the north, i.e., towards the Campground. See Doc. 10 at 6. Pine Hollow argues that the “line splitting the 2700 square foot building” on the diagram in the Report reflects this mistaken assumption of a gable roof and shows that “the actual proposed building is likely to produce far more runoff directed at the campground than [Tiki Plaza’s] engineer considered.” Id. Second, Pine Hollow contends that, to the extent the Board felt the roof runoff was addressed by the retention pond, that determination was unsupportable because the retention pond is at a higher elevation

than the northern back of the building; thus, water from the roof could not possibly flow to the retention area because “water does not flow uphill.” Doc. 11 at 3.

The Court is unable to determine from the present record how the Board understood the Report. It is true, as counsel for the Board notes, that the gray arrows shown on the diagram depict roof runoff from the proposed building flowing only in one direction (to the north), and that the same diagram shows runoff from the existing building—which has a center-peaked roof—flowing in two directions. See CR at 59 (excerpted images below showing the existing building on the left and the proposed building on the right):



Counsel for the Board argues that this comparison shows the Report correctly assumed that rainwater would run off the roof of the proposed building only towards the Campground. That argument, however, is difficult to reconcile with the “Subcatchment Area Line” shown on the diagram running the central length of the roof, which would appear to include half of the roof in the same subcatchment area as the retention pond. The Court does not understand how, if the Report was based on a mono-pitch roof, the front half of the roof could lie within one catchment area and the back half within another.

Nor is it clear to the Court whether or how the Board understood water runoff from the roof would be mitigated by the proposed stormwater basin. Certain comments by the Board appear to indicate that the Board was relying on the basin to assuage the concerns expressed by Pine Hollow. See C.R. 126-127 (“I believe that the retention area will take care of the 2,700 square-foot building. There’s not going to be additional runoff because that building is there, because they’ve addressed it with the retention area . . . the retention area is enough to satisfy the 2,700 square-foot building.”) Such reliance would be hard to understand since, as Pine Hollow notes, water cannot flow uphill. Other comments and actions by the Board—including the requirements of a gravel catchment area under the drip edge of the proposed structure, see id. at 90, and

a review of stormwater calculations by Public Works, *id.* at 140—would indicate that the Board realized further mitigation may be necessary.

Finally, the Court is unclear if the Board's determination that the project will not increase water runoff was based on the property line as a whole, or on the particular segment of the line that is of critical concern to Pine Hollow—that is, the part of the line behind the proposed building. See e.g., C.R. at 113 (Focareto's statement that "we pick the point of analysis as the property line as a whole line, not just that one point, but all the water that . . . comes onto our property and then . . . leaves our property[.]"). As counsel for Pine Hollow explained at the hearing, this part of the line is of particular concern because of its immediate proximity to several campsites on that part of its property.

The lack of clarity on the above points is reflected, at least in the Court's mind, by the Chairman's statement immediately preceding the final vote:

THE CHAIRMAN: Okay. So that would be the motion. And the finding would be that the board specifically finds that the drainage – that this project will not increase the runoff onto the abutters' property and is intended to decrease it. Whether it does or not is – you know, I mean that's – they've addressed it.

Id. at 126 (emphasis added).

The Court finds that the Board has not made a sufficient record of the reasons for its determination that the project will not increase water runoff onto the abutting property to enable meaningful review. The matter is therefore remanded to the Board for further explanation and findings on the stormwater runoff issue. See Motorsports, 160 N.H. at 107; see also Kalil, 155 N.H. at 311 (remand is appropriate in the context of a ZBA appeal when a court is "uncertain as to the board's rationale or conclusions.") On remand, the Board should explain its understanding of the Report and address the other issues discussed above in this section.

To be clear, the Court does not express any opinion on what findings the Board should make. The Court's sole concern, at this time, is that the Board produce a record with findings that are explained with sufficient clarity to facilitate "meaningful appellate review" if its decision is appealed again. See Motorsports, 160 N.H. at 105.

c. Specific Findings of Fact

The Court concludes by briefly addressing Pine Hollows objection under RSA 676:3, I. That statute provides that a decision by the Board "shall include specific written findings of fact that support the decision." The Court is in general agreement with counsel for the Board that the statute cannot reasonably be construed as requiring

specific written findings as to every site plan regulation supporting an approval.¹ See Doc. 9 at 7 (a written decision that goes “through every site plan review criterion and explain why it was met . . . would take hours at each board meeting and would take pages to document in a notice of decision”). To be clear, this is not what the Court is directing here. Rather, the Court respectfully directs the Board to state its findings and reasoning sufficiently for the Court to understand the considerations that support its conclusion.

Conclusion

For the reasons set forth above, the Board’s decision is **AFFIRMED IN PART** and **REMANDED** to the Planning Board for further findings and proceedings consistent with the above.



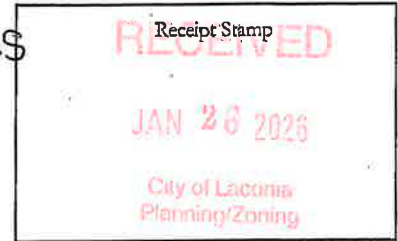
November 20, 2023

Hon. Mark D. Attorri

Clerk's Notice of Decision
Document Sent to Parties
on 11/20/2023

¹ RSA 676:3, I, mandates “automatic reversal and remand by the superior court” if the Board fails “to make specific written findings of fact supporting a disapproval.” (Emphasis added.)

CITY OF LACONIA PLANNING BOARD
DESIGN REVIEW/CONCEPTUAL REVIEW FORM
WWW.CITYONTHELAKES.ORG
FEE: _____ CK# _____



PROPOSED PROJECT NAME - WATER VIEW PROPERTIES

STREET ADDRESS - 5 HILLIARD RD
(must include 911 address if assigned)

PARTIES INVOLVED - Those listed below will receive Planner Reviews and Notices of Action by the Board.

APPLICANT MICHAEL BOUSALEH PHONE 617 909 2125
ADDRESS 453 WHITE OAK RD FAX _____
LACONIA NH 03246 E-MAIL MIKEBOUSALEH@ME.COM

OWNER WATER VIEW PROPERTIES PHONE 617 909 2125
ADDRESS 453 WHITE OAK RD FAX _____
LACONIA NH 03246 E-MAIL MIKEBOUSALEH@ME.COM

AGENT _____ PHONE _____
ADDRESS _____ FAX _____
_____ E-MAIL _____

APPLICATION TYPE

- Design Review Conceptual Review

PROPERTY INFORMATION

Map 156 Street 107 Lot 4 Zoning District(s) CR
Map _____ Street _____ Lot _____

PROPOSAL DESCRIPTION - Use the space below to write a brief description of the development proposal and how it will effect the existing use of the property. Use back if necessary.

1. Lot size(s) 0.491 EXISTING 1 LOT 1 BUILDING
2. Number of units or lots existing and proposed PROPOSED 1 LOT 1 BUILDING
3. Square footage of units or building 6900

DEMO EXISTING BUILDING
CONSTRUCT NEW 5 STORY 24 UNIT CONDOMINIUM
BUILDING WITH 1 ELEVATOR
REAR PARKING FOR 26 VEHICLES
ACCESS TO PROPERTY THROUGH HILLIARD RD
THE NEW BUILDING WILL ADD AFFORDABLE HOUSING TO
THE AREA

[Signature]
Property Owner's Signature
1-27-26
Date

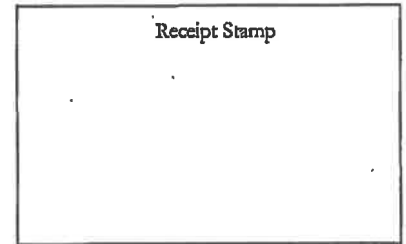
[Signature]
Agent's Signature
1-27-26
Date



PROPOSED PROJECT NAME - 59 DOE RESIDENCES

STREET ADDRESS - 59 DOE AVE.
(must include 911 address if assigned)

PARTIES INVOLVED - Those listed below will receive Planner Reviews and Notices of Action by the Board.



APPLICANT New England Family Housing
ADDRESS 368 NH-104
New Hampton, NH 03256

PHONE (603) 744-3551
FAX 603-744-3588
E-MAIL klacasse@nefamilyhousing.com

OWNER Keith O'Leary
ADDRESS 21 Barefoot Place
Gilford, NH 03249

PHONE
FAX
E-MAIL keithmoleary@yahoo.com

AGENT Brown Engineering LLC
ADDRESS 34 Whittier Highway
Moultonborough, NH 03254

PHONE (603) 744-1044
FAX
E-MAIL dari@brownengineeringllc.com

APPLICATION TYPE

- Design Review Conceptual Review

PROPERTY INFORMATION

Map 145 Street DOE Lot 64-1
Map _____ Street _____ Lot _____

Zoning District(s) CR within the Performance Overlay

PROPOSAL DESCRIPTION - Use the space below to write a brief description of the development proposal and how it will effect the existing use of the property. Use back if necessary.

1. Lot size(s) 2.9 acres
2. Number of units or lots existing and proposed n/a - 40 units
3. Square footage of units or building 9,800 SF per building

Applicant proposes to develop a 40-unit residential site in accordance with the goals and provisions of the Performance Overlay District.

Keith oleary
Property Owner's Signature

1/27/26
Date


Agent's Signature

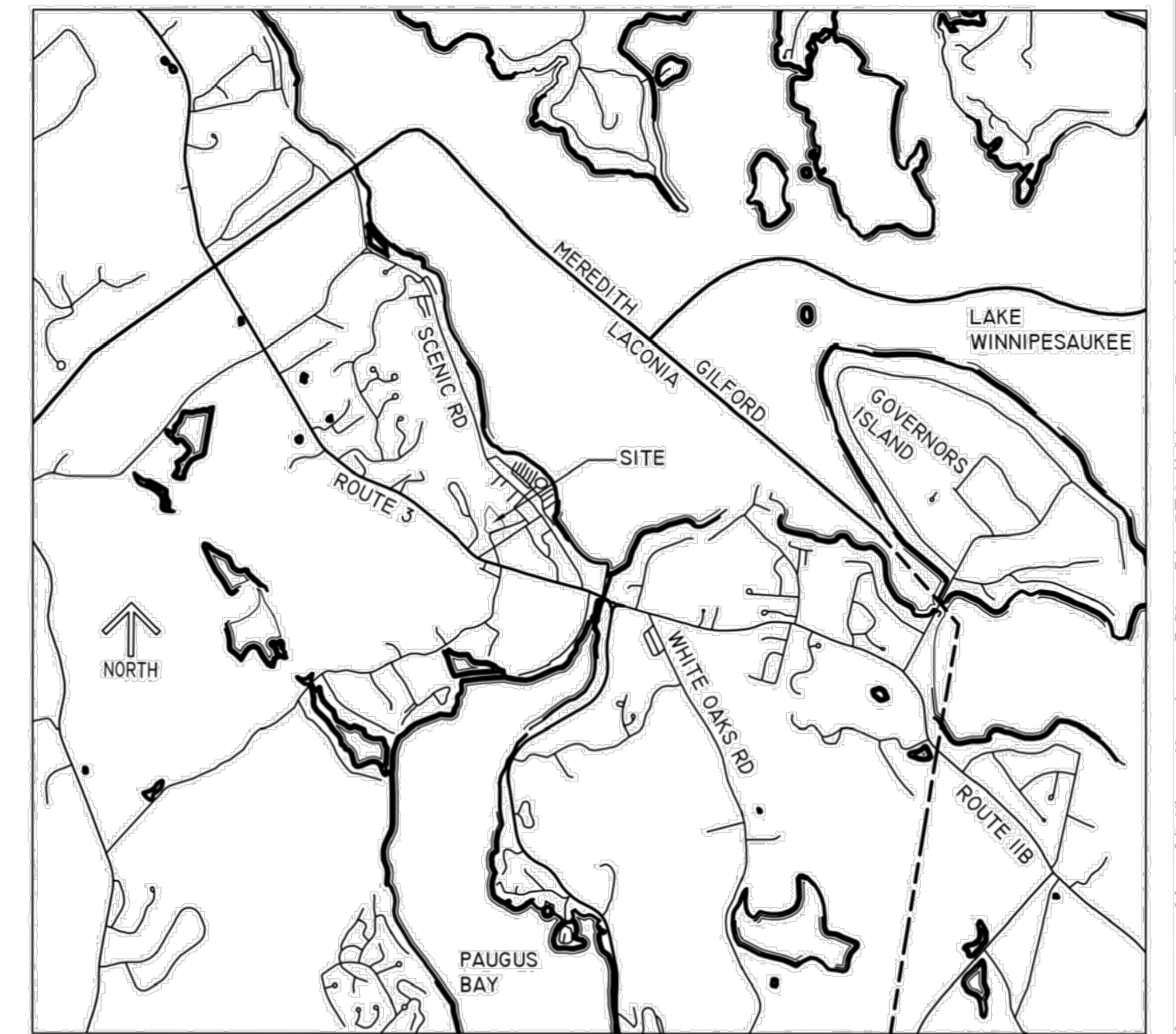
1/27/2026
Date



	UNDERLYING CR ZONING DISTRICT STANDARD	PROPOSED WITHIN PERFORMANCE OVERLAY DISTRICT
BUILDING HEIGHT (FT)	35'	60'
GREEN AREA (%)	60%	58%
AREA (AC/SF)	0.23 / 10,000	2.9 / 126,324
ROAD FRONTAGE (FT)	80	350
DENSITY (UNITS/ACRES)	6	13.8
SETBACK (FT)		
FRONT	15	15
SIDE	10	10
REAR	15	15

GENERAL NOTES:

1. THE PROPERTY IS DESIGNATED TAX MAP 145 LOT 64-1. THE PROPERTY IS 2.9 ACRES (126,324 SF) IN SIZE. THE OWNER OF RECORD IS: KEITH M. & MONIQUE J. OLEARY 21 BAREFOOT PLACE GILFORD, NH 03249 BOOK 3182 PAGE 0012 COUNTY
2. THE PROPERTY IS ZONED COMMERCIAL RESORT (CR)
3. THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS. THIS IS NOT A BOUNDARY SURVEY.
4. 43 OUTDOOR + 40 UNDERGROUND = 83 PARKING SPACES SHOWN.



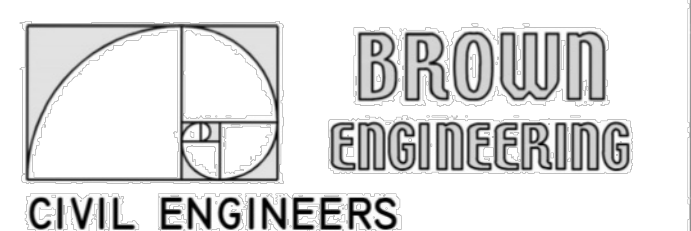
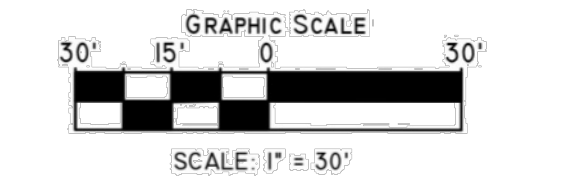
SYMBOLS LEGEND

- EXISTING PROPERTY LINE
- EXISTING PROPERTY TIE LINE
- EXISTING ABUTTERS PROPERTY LINE
- EXISTING EASEMENT LINE
- EXISTING PROPERTY SETBACK LINE
- EXISTING 2 FOOT CONTOUR
- EXISTING 10 FOOT CONTOUR
- EXISTING FENCE LINE
- EXISTING STONE WALL
- EXISTING TREE LINE
- EXISTING SEWER LINE
- EXISTING SEWER MANHOLE
- EXISTING POWER POLE
- IRON PIPE FOUND (IPF)
- PROPOSED 2 FOOT CONTOUR
- PROPOSED 10 FOOT CONTOUR
- PROPOSED 1 FOOT CONTOUR
- PROPOSED SPOT GRADE
- PROPOSED BUILDING
- PROPOSED PAVEMENT
- PROPOSED STONE PATIO

COLOR UP PLAN
TAX MAP 145 LOT 64-1
59 DOE AVENUE, LACONIA, NH 03246

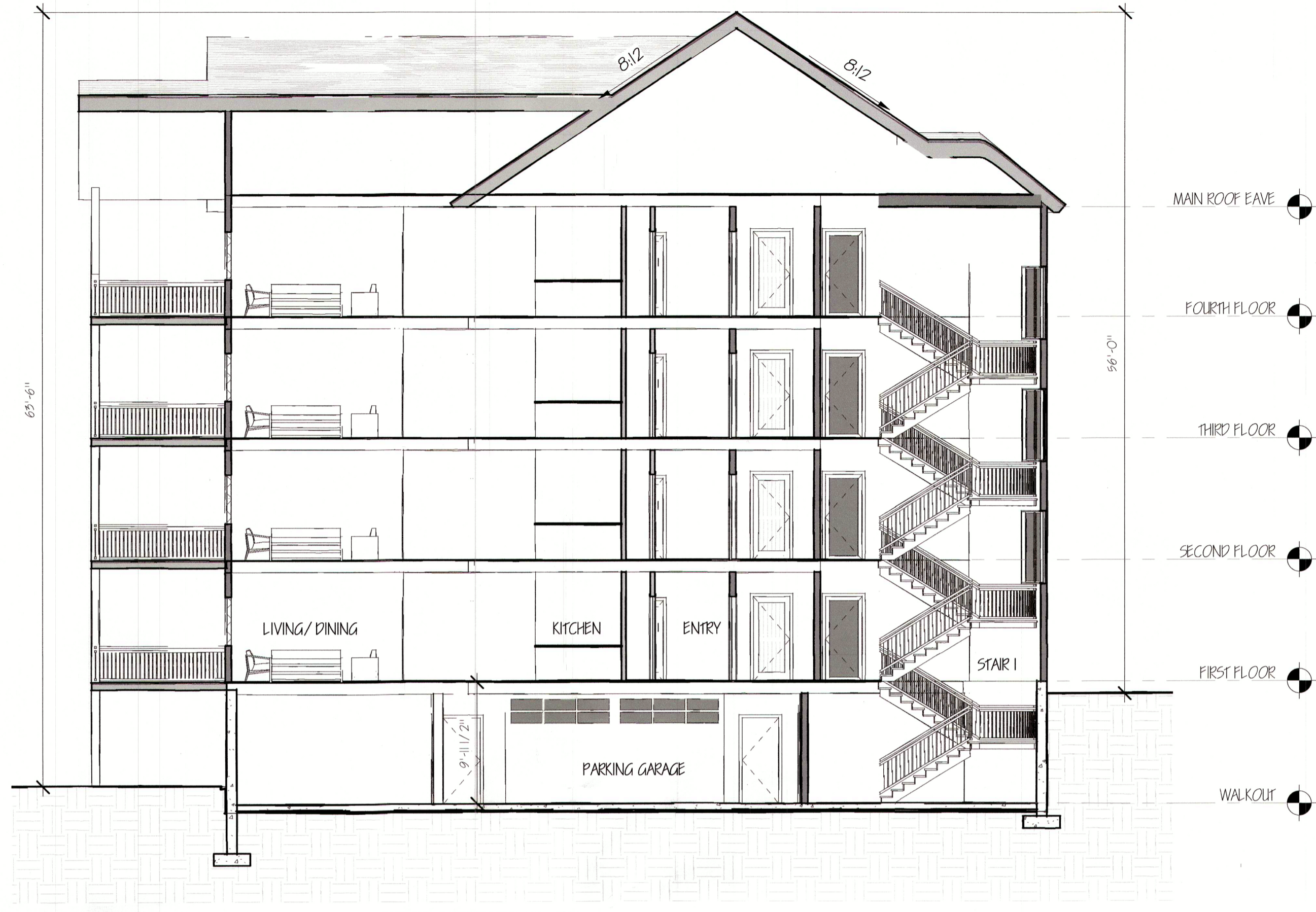
PREPARED FOR:
NEW ENGLAND FAMILY HOUSING
P.O. BOX 823
NEW HAMPTON, NH 03256
BOOK 2389 PAGE 40

PREPARED BY:
BROWN ENGINEERING LLC
36 WHITTIER HIGHWAY
MOULTONBOROUGH, NH 03254
TEL: (603) 744-1044
WWW.BROWNEENGINEERINGLLC.COM



JOB NO: 4921-21
DATE: 1-09-2025

REV	DATE	DESCRIPTION	BY



CONCEPT CROSS SECTION



CONCEPT EAST ELEVATION



CONCEPT PERSPECTIVE SECTION



CONCEPT WEST ELEVATION

alba architects llp

INNOVATION FOR THE BUILT ENVIRONMENT

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PROJECT NAME & ADDRESS:
59 DOE AVENUE, LACONIA
NEW ENGLAND FAMILY HOMES

CONCEPT IMAGES & SECTION AI

SUBDIVISION REGULATIONS
Current Language

4.8 Site Improvement Security

1. Submittal - The Planning Board may require the applicant to submit site improvement security in an amount approved by the Board to guarantee conformity with the elements such as street, sewer, water, landscaping, site restoration, or drainage improvements of the site plan. Where an applicant is required to submit security, it shall be submitted prior to the start of any construction, improvement or issuance of a building permit. The Board shall have the discretion to prescribe the type and amount of security, and specify a period for completion of the improvements and utilities to be expressed in the security.
2. Partial Release - As phases or portions of the secured improvements or installations are completed and approved by the Board or its designee, the city will release said security to the extent reasonably calculated to reflect the value of remaining improvements or installations. Cost escalation factors that are applied by the Board to any security required under this section shall not exceed 10 percent per year.
3. The municipality shall have the power to enforce such security by all appropriate legal and equitable remedies.

5.5 Special Investigative Studies

Pursuant to RSA 676:4 as amended, it shall be the responsibility of the applicant, if the Board deems necessary, to pay reasonable fees for the review of plans or documents, impact studies, administrative fees or other special studies which may be required by particular applications.

SUBDIVISION REGULATIONS
Proposed Language

Remove and replace Section 4.8 of the Subdivision Regulations with the following:

4.8 Site Improvement Security

4.8.1 Planning Board Requirement

The Planning Board may require the applicant to submit site improvement security to the Department of Planning and Community Development in lieu of the completion of street work, utility installations, landscaping, and final pavement prior to the final approval of any plat in accordance with RSA 674:36, III. Site security may be provided in the form of a performance bond or cash to be held in escrow by the City.

4.8.2 Planning Board Designation

The Planning Board designates the Director of Planning and Community Development to develop and administer policies related to the collection, retention, and disbursement of site improvement security, offsite improvements, and offsite exactions for all conditionally approved applications in accordance with federal, state, and local laws.

4.8.3 Performance Bond

Applicants providing site improvement security in the form of a performance bond must submit a properly executed bond to the Director of Planning and Community Development. Any performance bond submitted must identify the City as the obligee and be issued by a reputable producer actively licensed and regulated by the State of New Hampshire. The total amount of the executed bond must be equal to 100% of the total cost of site work identified in a cost estimate submitted to and approved by the Director of Planning and Community Development.

4.8.4 Cash Held in Escrow

Applicants providing site improvement security in the form of cash held in escrow must execute an Escrow Agreement with the City through the Department of Planning and Community Development. The Director of Planning and Community Development and the City's legal counsel must review and approve any Escrow Agreement form prior to execution. The amount of cash to be held in escrow must be at least 10% of the total cost of site work identified in a cost estimate submitted to and approved by the Director of Planning and Community Development.

4.8.5 Offsite Improvements and Exactions

The Planning Board may require offsite improvements and/or exactions for any application. In lieu of completing any offsite improvement, an applicant may provide cash to be held in escrow. An applicant providing cash to be held in escrow must execute an Escrow Agreement with the City through the Department of Planning and Community Development. If there are multiple offsite improvements and/or exactions required for an application, each offsite improvement and exaction must be held in separate escrow accounts and have separate Escrow Agreements executed with the City. The amount to be held in escrow must be equal to the total cost of each respective offsite improvement and exaction required. If the City does not expend the funds

SUBDIVISION REGULATIONS
Proposed Language

received for any offsite improvement or exaction within six (6) years of receipt, the funds will be returned in accordance with the respective Escrow Agreement.

Remove and replace Section 5.5 of the Subdivision Regulations with the following:

5.5 Third-Party Review, Inspections, and Special Investigative Studies

5.5.1 Planning Board Requirement

The Planning Board may require the applicant to reimburse the City for expenses reasonably incurred for third-party review and consultation during the review process and for third-party inspection during the construction process in accordance with RSA 676:4-b. Additionally, the Planning Board may require the applicant to reimburse the City for expenses reasonably incurred for special investigative studies, review of documents, and other matters related to each application in accordance with RSA 674:4, I(g).

5.5.2 Planning Board Designation

The Planning Board designates the respective Department Heads represented on the Technical Review Committee (TRC) to identify and require third-party review and inspections for projects during the review and construction processes. The Planning Board further designates the same Department Heads to develop and administer policies related to the supervision, implementation, and enforcement of third-party review and inspections for all applications in accordance with federal, state, and local laws. The Planning Board retains the authority to require additional third-party review, inspections, and special investigative studies for each application beyond what is recommended by the respective Department Heads.

5.5.3 Third-Party Review

Department Heads represented on the TRC will identify and may require third-party review of an application at a TRC meeting prior to Planning Board review. The applicant must execute an Escrow Agreement with the City through the respective Department requiring the third-party review. The respective Department Head must review and approve any Escrow Agreement form prior to execution. The respective Department Head will require detailed invoices with reasonable task descriptions for services rendered by the third-party reviewer. The same Department Head will promptly provide a reasonably detailed accounting of expenses and corresponding escrow deductions to the applicant upon request. The applicant must reasonably correct all deficiencies identified during third-party review to the satisfaction of the respective Department Head prior to final approval. The respective Department Head may require additional third-party review to ensure all deficiencies have been corrected.

5.5.4 Third-Party Inspection

Department Heads represented on the TRC will identify and require third-party inspection of an application upon review at a TRC meeting prior to Planning Board

SUBDIVISION REGULATIONS
Proposed Language

review or during a preconstruction meeting with the applicant following Planning Board approval, if one is required. The applicant must execute an Escrow Agreement with the City through the respective Department requiring the third-party inspections. The respective Department Head must review and approve any Escrow Agreement form prior to execution. The respective Department Head will require detailed invoices with reasonable task descriptions for services rendered by the third-party inspector. The same Department Head will promptly provide a reasonably detailed accounting of expenses and corresponding escrow deductions to the applicant upon request.

5.5.5 Compliance

The Department of Planning and Community Development is ultimately responsible for ensuring compliance with the Planning Board's decisions and conditions of approval for each application. The Director of Planning and Community Development will delegate specific enforcement action to the corresponding Department with the authority to invoke jurisdiction. Additionally, the Director of Planning and Community Development is authorized to approve minor deviations from the approved plat, provided that the deviations are in accordance with the Planning Board's decision as it is reflected in the meeting minutes, findings of fact, and conditions of approval for the respective application. Any minor deviation must comply with all federal, state, and local laws and regulations. The Department of Planning and Community Development will perform regular site inspections to ensure compliance with City regulations and the Planning Board's decision.

SITE PLAN REVIEW REGULATIONS
Current Language

5.6 Site Improvement Security

The Planning Board may require the applicant to submit site improvement security in an amount approved by the Board to guarantee conformity with the elements such as street, sewer, water, landscaping, site restoration, or drainage improvements of the site plan. Where an applicant is required to submit surety, it shall be submitted prior to the start of any construction, improvement or issuance of a building permit.

6.7.5 Third Party Peer Review

If requested by Members of the Plan Review Committee, applications for Site Plan approval shall include completed third party peer review to be considered complete.

Third Party Peer review shall occur per the following procedure:

- 1) One an application is submitted per Section V(B) of the Site Plan Regulations, a preliminary review by the member(s) of the Departments who sit on the PRC committee will cite specific applications, as needing consultant review for reasons specified.
- 2) Con Com DPW, and/or Planning Department will make the recommendation in the form of PRCI comment submittal to the Planning Department that the Planning Department obtain professional consultant review on that specific application. Reasons for the request review shall be detailed in the written request to the Planning Department.
- 3) The Planning Director will review that recommendation and authorize the Con Com and/or DPW to fill out a Belknap County Conservation District (BCCD) Natural Resource Review Request Form that states what items the consultant will review for accuracy and impact. (See attached form)
- 4) The form will then be submitted to the BCCD by the Planning Department. BCCD will obtain a cost estimate from their Board approved list of consultants. Selection will be determined exclusively by availability.
- 5) This cost estimate and the request form will be submitted to the applicant for their consent and signature on the portion of the form entitled "Consent of Application".
- 6) Once consent is obtained, The Planning Department will accept the funds for deposit into a dedicated escrow account. The BCCD will obtain the consultant and execute the contract that will include the submittal of a written report.
- 7) The consultant will complete a written report as part of the contract that will be submitted to the Conservation Commission and/or DPW and the Planning Department as an additional item in the application package.
- 8) The Conservation Commission will meet with the consultant to discuss the report at their

SITE PLAN REVIEW REGULATIONS
Current Language

next available Con Com meeting. DPW will discuss the report with the consultant at their earliest convenience.

- 9) At this point the Con Com and/or the DPW will draft comments and recommendations based on the applicant's proposal and the consultants review in a manner timely with PRCII.
- 10) This will be given to the applicant at the PRC II Meeting and submitted to the Planning Board in their packets.
- 11) The Consultant will attend the Planning Board meeting and discuss the report as cited in the Con Com and/or DPW PRCII comments to the Planning Board.
- 12) The consultant will bill the City as appropriate and the City will make payments from the escrow account.
- 13) Any remaining funds will be returned to the applicant with interest.

6.8 Inspections and As-Buil Plans

- (a) All site plans filed under these regulations shall be inspected and approved by the appropriate City department and other such federal, state or local officials, as may have jurisdiction. All items shown on the proposed plan shall be completed as per the approved plan prior to submission of "as-built" plans. In cases acceptable to the reviewing board, committee, or department heads, minor improvements which are incomplete may be secured instead by a letter of credit or cash deposit in a City escrow account established for the purpose of ensuring completion of the work within a reasonable time. The form of letters of credit, and schedule of completion shall be approved by the Planning Director, in consultation with the relevant city officials. The adequacy of the estimate of completion cost shall be reviewed by the Director of Public Works.
- (b) At the completion of construction, and prior to issuance of any occupancy permit, the project applicant shall have prepared at his expense, a set of as-built plans showing:
 - (1) The actual location and details of all improvements and changes to previously existing conditions;
 - (2) Be produced at the same scale as the approved drawing;
 - (3) Denote the units, within the plan, which are shown as-built. Provide an easily discernible legend indicating the as-built units;
 - (4) Indicate distances between units and property lines

SITE PLAN REVIEW REGULATIONS
Current Language

- (5) Provide complete and accurate lot coverage calculations for all as-built construction, per the attached table (appendix);
- (6) Sewer, water, storm water drainage system as-builts should be included on one drawing; however, if this compromises the drawings clarity, sewer, water and storm water drainage as-builts can be produced as an overlay. As-built requirements for utilities include utility profiles;
- (7) Each as-built drawing must be stamped and signed by a professional surveyor.

The applicant shall submit six black or blue-line prints of the plans to the Planning Department for review. The as-built plans shall clearly show any deviation from the approved site plan through bold face lines, type, or stippling.

- (c) The Planning Department shall distribute the plans and application, and supporting documentation to the appropriate departments, including Departments of Public Works, Assessing, Conservation Commission, Water, Fire, Code Enforcement, and Zoning/Planning for review and comment. An affirmative response and signature of the reviewing official is required, which shall serve as acknowledgement of receipt, review, and approval, with any recommended conditions, of the proposed plan.

No permit or recording of the plan shall be given or made in the absence of such affirmative acknowledgement of the departments. In the event that a department fails to report or acknowledge review and approval of the plans within 30 days of distribution of the plans by the Planning Department, the applicant shall have the right to request that the matter be referred to the City Manager to ensure compliance with these provisions.

The Code Enforcement Officer and Fire Prevention Officer shall not issue an Occupancy Permit or Assembly Permit until the Planning Director forwards to him a Certificate of Planning Department Approval, certifying substantial compliance with the approved site plan.

- (d) The Planning Director may, in the absence of objection from the reviewing departments, allow minor deviations from the approved site plan, provided that the Director finds that:
 - (1) The changes are consistent with the intent of the Planning Board, as reflected in the minutes of the Board's meetings, findings and approval conditions;
 - (2) The changes are consistent with the purposes or expressed intent of the Site Plan Regulations and Zoning Ordinance;
 - (3) The deviations do not affect any dimensional requirement, for example, lot coverage; cause reconfiguration of curb cuts, streets, buffer areas or the relationship of dwellings or structures;

SITE PLAN REVIEW REGULATIONS
Current Language

- (e) For the purposes of this section minor deviations from the approved plan shall be intended to include:
 - (1) Lateral or horizontal shifts in building footprints, in the absence of conflict with the provisions of the Zoning Ordinance;
 - (2) Substitutions of equal or superior materials, plantings, or equipment, subject to approval of the relevant department(s);
 - (3) Changes in utility locations as may be required by field conditions, subject to the written approval of the relevant department(s);
 - (4) Changes of up to 5% in parking or floor areas, in the absence of conflict with the provisions of the Zoning Ordinance and subject to the approval of the Planning Director.
- (f) Following completion of the departmental reviews, the Planning Director shall forward a copy of the Certificate of Approval, or a summary of the certificates issued within the last calendar month, to the Planning Board and Conservation Commission to inform and provide notice to members of final action.
- (g) Projects which do not comply with the approved plan and do not qualify for administrative approval of minor deviations shall also be reported to the Planning Board with an appropriate compliance schedule. If, at the termination of the compliance term, the project owner has not brought the property into compliance nor filed application for Revised Site Plan Approval, the Planning Board shall review the matter, and direct appropriate recourse to correct the compliance problem.

SITE PLAN REVIEW REGULATIONS
Proposed Language

Remove and replace Section 5.6 of the Site Plan Review Regulations with the following:

5.6 Site Improvement Security

5.6.1 Planning Board Requirement

The Planning Board may require the applicant to submit site improvement security to the Department of Planning and Community Development in lieu of the completion of street work, utility installations, landscaping, and final pavement prior to the final approval of any site plan in accordance with RSA 674:44, IV. Site security may be provided in the form of a performance bond or cash to be held in escrow by the City.

5.6.2 Planning Board Designation

The Planning Board designates the Director of Planning and Community Development to develop and administer policies related to the collection, retention, and disbursement of site improvement security, offsite improvements, and offsite exactions for all conditionally approved applications in accordance with federal, state, and local laws.

5.6.3 Performance Bond

Applicants providing site improvement security in the form of a performance bond must submit a properly executed bond to the Director of Planning and Community Development. Any performance bond submitted must identify the City as the obligee and be issued by a reputable producer actively licensed and regulated by the State of New Hampshire. The total amount of the executed bond must be equal to 100% of the total cost of site work identified in a cost estimate submitted to and approved by the Director of Planning and Community Development.

5.6.4 Cash Held in Escrow

Applicants providing site improvement security in the form of cash held in escrow must execute an Escrow Agreement with the City through the Department of Planning and Community Development. The Director of Planning and Community Development and the City's legal counsel must review and approve any Escrow Agreement form prior to execution. The amount of cash to be held in escrow must be at least 10% of the total cost of site work identified in a cost estimate submitted to and approved by the Director of Planning and Community Development.

5.6.5 Offsite Improvements and Exactions

The Planning Board may require offsite improvements and/or exactions for any application. In lieu of completing any offsite improvement, an applicant may provide cash to be held in escrow. An applicant providing cash to be held in escrow must execute an Escrow Agreement with the City through the Department of Planning and Community Development. If there are multiple offsite improvements and/or exactions required for an application, each offsite improvement and exaction must be held in separate escrow accounts and have separate Escrow Agreements executed with the City. The amount to be held in escrow must be equal to the total cost of each respective offsite improvement and exaction required. If the City does not expend the funds

SITE PLAN REVIEW REGULATIONS
Proposed Language

received for any offsite improvement or exaction within six (6) years of receipt, the funds will be returned in accordance with the respective Escrow Agreement.

Remove and replace Sections 6.7.5 and 6.8 of the Site Plan Review Regulations with the following:

6.8 Third-Party Review, Inspections, and Special Investigative Studies

6.8.1 Planning Board Requirement

The Planning Board may require the applicant to reimburse the City for expenses reasonably incurred for third-party review and consultation during the review process and for third-party inspection during the construction process in accordance with RSA 676:4-b. Additionally, the Planning Board may require the applicant to reimburse the City for expenses reasonably incurred for special investigative studies, review of documents, and other matters related to each application in accordance with RSA 674:4, I(g).

6.8.2 Planning Board Designation

The Planning Board designates the respective Department Heads represented on the Technical Review Committee (TRC) to identify and require third-party review and inspections for projects during the review and construction processes. The Planning Board further designates the same Department Heads to develop and administer policies related to the supervision, implementation, and enforcement of third-party review and inspections for all applications in accordance with federal, state, and local laws. The Planning Board retains the authority to require additional third-party review, inspections, and special investigative studies for each application beyond what is recommended by the respective Department.

6.8.3 Third-Party Review

Departments represented on the TRC will identify and may require third-party review of an application at a TRC meeting prior to Planning Board review. The applicant must execute an Escrow Agreement with the City through the respective Department requiring the third-party review. The respective Department must review and approve any Escrow Agreement form prior to execution. The respective Department will require detailed invoices with reasonable task descriptions for services rendered by the third-party reviewer. The same Department will promptly provide a reasonably detailed accounting of expenses and corresponding escrow deductions to the applicant upon request. The applicant must reasonably correct all deficiencies identified during third-party review to the satisfaction of the respective Department prior to final approval. The respective Department Head may require additional third-party review to ensure all deficiencies have been corrected.

6.8.4 Third-Party Inspection

Departments represented on the TRC will identify and require third-party inspection of an application upon review at a TRC meeting prior to Planning Board review or during a preconstruction meeting with the applicant following Planning Board

SITE PLAN REVIEW REGULATIONS
Proposed Language

approval, if one is required. The applicant must execute an Escrow Agreement with the City through the respective Department requiring the third-party inspections. The respective Department must review and approve any Escrow Agreement form prior to execution. The respective Department will require detailed invoices with reasonable task descriptions for services rendered by the third-party inspector. The same Department will promptly provide a reasonably detailed accounting of expenses and corresponding escrow deductions to the applicant upon request.

6.8.5 Compliance

The Department of Planning and Community Development is ultimately responsible for ensuring compliance with the Planning Board's decisions and conditions of approval for each application. The Director of Planning and Community Development will delegate specific enforcement action to the corresponding Department with the authority to invoke jurisdiction. Additionally, the Director of Planning and Community Development is authorized to approve minor deviations from the approved site plan, provided that the deviations are in accordance with the Planning Board's decision as it is reflected in the meeting minutes, findings of fact, and conditions of approval for the respective application. Any minor deviation must comply with all federal, state, and local laws and regulations. Prior to the completion of the project, an updated final plan set including all minor deviations approved by the Director must be provided to the Department of Planning and Community Development and signed by the Planning Board Chair. The Department of Planning and Community Development will perform regular site inspections to ensure compliance with City regulations and the Planning Board's decision.



CITY OF LACONIA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

45 Beacon Street East
Laconia, NH 03246
Phone: (603) 527-1264
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Email: Planning@Laconianh.gov



TO: All Land Use Boards

January 29, 2026

FROM: Robert Mora, Planning Director

RE: Planning Department Monthly Report

This month lost our Administrative Secretary. We have a temp that currently working in the office Raven Gates. We will be posting for this position

TIF Updates

Downtown TIF: The Streetscape project has been completed. Canal Street Lighting Project is now complete. We are working on a Parking Lot/Rotary Park Lighting Project downtown.

Weirs TIF: The Weirs TIF is proposing a Bandstand on the Boardwalk. There is an RFP posted for this project.

Lakeport TIF: No Updates.

State School Project

Third party reviews have been completed, and we are working with the developer on a presentation to City Council.

Administrative Review:

We had no Admin Reviews this month.

Technical Review Committee:

We discussed a re-write of the Site Plan Review Regulations and Subdivision Regulations with the Committee and will be working with departments and requirements they need to have in order to review applications.

Minor Site Plan:

We had no minor site plan applications this month.

Planning Board:

We had several applications before the Planning Board this last month.

1. 604 Endicott St N – Tabled at Planning Board for Legal

Capital Improvement Committee:

FY27 Recommendations were approved at the December 16th Planning Board meeting.

Master Plan Steering Committee:



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We had our third meeting of the MPSC on 1/29/26 and had our initial review of the existing conditions plan.

Historic District Commission:

We plan on scheduling a Historic District Commission meeting once City Council appoints their designee.

Conservation Commission:

We received our MILFOIL Grant application and cost estimate for this year's MILFOIL and Herbicide Treatment. They are continuing to work on their Natural Resources Inventory, once that is complete they will begin working on their chapter of the Master Plan.

Zoning Board of Adjustment:

We also had five applications go before the ZBA this month.

1. 86 Chapin Tr – Short Term Lodging Special Exception – Denied
2. 122 Paugus Park Rd – Variance for 235, Article IV, Section 235-19 F (2) D – Approved
3. 15 Doe Ave – Variance for 235, Article VI, Section 235-35 B – Approved
4. 17 Wentworth Cove Rd – Variance for 235, Article IV, Section 235-19 F (2) B – Approved
5. 238 White Oaks Rd – Special Exception 235, Article V, Section 235-26 – Denied

Zoning Ordinance Updates:

The Short-Term Lodging Ordinance is currently scheduled to go before the City Council February 2nd.

We are currently working on updates to the Zoning Ordinance to bring us compliance with last year's changes to State Law. There is also a plethora of proposed changes to state law this year which we are trying to find more information on as some of them are changing laws that were just changed this last year.

There are no plans for future ordinance changes until the completion of the Master Plan. Once the Master Plan is completed next year, we expect the Implementation chapter to outline a road map of what needs to be updated.

Project Status:

1. Lady of the Lakes – Continuing through the winter with construction utilities are in and road is paved.
2. Langley Cove – They have started phase three. They plan to continue through the winter.
3. Stonewall Corners – Building permits have been issued and foundations are going in now. They Plan to continue through the winter.
4. Moose Ledge Estates – The road and infrastructure have been installed, and they are being issued building permits. They plan to continue through the winter.
5. 311 Meredith Center Road – They plan to continue through the winter.



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-
6. Lookout Condo's – Infrastructure is complete and working on several building permits.
 7. Governor's Crossing – They are continuing with there SWPPP inspections.
 8. Winnepesaukee Gardens – They have completed winter stabilization and plan to do interior work during the winter months.
 9. Char-Di Campground – They have completed winter stabilization.
 10. 1921 Parade Road – They have completed winter stabilization.

Planning Department Goals:

1. Rewrite the Zoning Ordinance
2. Rewrite the Site Plan Review Regulations
3. Rewrite the Subdivision Regulations
4. Rewrite Special Events and Outdoor Assembly Ordinance



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Cc: City Council, Heritage Commission, and Conservation Commission