



**TOWN OF PLYMOUTH
ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
April 6, 2021**

Members Present:

Tom McGlaulin (Acting
Chair) Butch Cushing, David Kent and Stephanie Halter
Absent: Patrice Scott

Staff: June Hammond Rowan and Juliet Harvey-Bolia.

The Chair read the disclaimer concerning Governor Sununu's Emergency Order #12; this Board is authorized to meet electronically.

1. **Call to Order and Roll Call:** Mr. McGlaulin opened the meeting at 7:00 P.M. A roll call of the members was taken. The public hearing was opened.
2. **Re-organization of Board Members:** Members shall elect a Board Chair and Vice Chair. Mr. McGlaulin would prefer to vote in a Chair and Vice-chair at the end of the meeting.

MOTION: "I'd like to make a motion that we'll put that off till the end of the meeting."

Motion: Mr. McGlaulin

Second: Mr. Kent

Discussion: None

Roll Call Vote: YES-4 NO 0

Motion passed.

3. **Review of Minutes:** Review of the November. 3, 2020.

MOTION: "I make a motion that we accept the minutes."

Motion: Mr. Cushing

Second: Ms. Halter

Discussion: None

Roll Call Vote: YES-4 NO 0

Motion passed.

4. **Communications Received by the Board:** None.

5. **Public Hearings:**

- I. **Case #209-07 SE 04-06-21** A Request for a Special Exception from Mt. Prospect Academy (339 Main Street, PID# 209-078) to operate an educational institution at this property. Educational uses in this zone are permitted by Special Exception. This property lies in the Highway Commercial Zone.

Jay Marshall, Head of Schools for Mt. Prospect Academy, discussed the recent purchase of this property and some improvements such as the fire alarm system added, exit signs, cosmetics, and a building permit for an ADA compliant bathroom have been done. There are no plans at this time for any changes to the outside, but he will probably do some landscaping in the future. They will use the existing sign. This building will be used for the “day students.” which is approximately 25% of the students. The new classroom space can support a maximum of 25 day students.

Lacey Hunt, Mt. Prospect employee, stated he has been in touch with the Department of Transportation and there are no plans at this time for any crosswalk or traffic lights to connect the two schools.

Ms. Hammond Rowan stated that Mt. Prospect Academy has received a conditional Site Plan approval from the Planning Board on March 18, 2021 for a change of use to allow classroom space for students at this property with the condition to add lighting and the need to go through the ZBA process.

PUBLIC HEARING CLOSED AT 7:15 P.M.

Mr. Kent said it is an excellent re-purpose of the site.

Plymouth Zoning Ordinance Special Exception Criteria

1204.2 Special Exceptions

The Board of Adjustment may, in appropriate cases, and subject to safeguards as determined by the Board, grant a permit for a special exception. The Board, in acting on an application, shall take into consideration the following conditions:

- 1. The proposed use(s) shall be only those allowed in this Ordinance by Special Exception. **T Unanimous**
- 2. The specific site is an appropriate location and of adequate size for the use. **T Unanimous**
- 3. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located. **T Unanimous**
- 4. There will be no nuisance or serious hazard to vehicles or pedestrians. **T Unanimous**
- 5. The use will not place excessive or undue burden on Town services and facilities. **T Unanimous**

Regarding the Application for Special Exception, the Board moved to a vote.

MOTION: “I move we approve the application.”

Motion: Mr. Kent

Second: Mr. Cushing

Discussion: None

Roll Call Vote: YES-4 NO-0

Motion passed.

Case #213-012-004-V-04-06-21 3 Lakes Properties, LLC (10 Hamilton Way, PID# 213-012-004) through its agent, Colby Lenentine for: A variance from Article III, Section 304 of the Zoning Ordinance to construct a structure with a post and beam gabled porch which would encroach 1’ 6” in the property setback. This property lies in the Industrial Commercial Zone.

Colby Lenentine, business owner, discussed his plan for the site. He stated he would like to add a post and beam roof dormer on the north side of his building. The reason he wants the dormer to stick proud of the roofline is for visual appeal as the building is a plain box. The purpose of the structure is for customer accessibility (including handicap accessibility), weather, curb appeal and an area to display and protect the equipment.

Mr. Cushing asked if the applicant tried other options that wouldn’t encroach in the setback. Mr. Lenentine said he tried another solution directly on the roof, but the building would not support the load.

Opened and closed public hearing at 7:27 P.M.

Mr. Kent asked the Planner about the irregular setback line. Ms. Hammond Rowan said the setback follows the irregularly-shaped lot. Mr. Kent said that the problem with the site is the positioning of the building on the lot. The Board then discussed findings of fact and the criteria for variances as follows:

FINDINGS OF FACT:

- | | | |
|--|----------|------------------|
| 1. The use is allowed in this zone. | T | Unanimous |
| 2. The lot is a corner lot subject to setbacks on two sides. | T | Unanimous |
| 3. A slope exists on the rear of the lot to a flood plain. | T | Unanimous |
| 4. The building could be constructed within the setback. | T | Unanimous |
| 5. A dormer design would look nice from the street. | T | Unanimous |
| 6. Alternative construction plans were investigated. | T | Unanimous |
| 7. The plan encroaches in the setback 18 inches. | T | Unanimous |
| 8. No opposing letters have been received. | T | Unanimous |

MOTION: “I make a motion to accept the findings of fact.”

Motion: Mr. Cushing

Second: Ms. Halter

Discussion: None

Roll Call Vote: YES-4 NO-0

Motion passed.

Variance Criteria

1204.4 Variances

The Board of Adjustment may authorize a variance from the terms of this Ordinance, where the Board of Adjustment finds that all the following conditions apply:

- | | |
|---|------------------|
| 1. Granting the variance will not diminish the value of surrounding properties. | T(4) F(0) |
| 2. The variance will not be contrary to the public interest. | T(3) F(1) |

3. Denial of the variance would result in unnecessary hardship to the applicant upon proof that:

- a) The zoning restriction as applied to the applicant’s property interferes with the applicant’s reasonable use of the property, considering the unique setting of the property in its environment; T(2) F(2)
- b) No fair and substantial relationship exists between the general purposes of the Zoning Ordinance and the specific restriction on the property; and, T(0) F(4)
- c) The variance would not injure the public or private rights of others. T(0) F(4)
- d) Granting the variance would do substantial justice. T(2) F(2)
- e) The use will not be contrary to the spirit and intent of the ordinance. T(1) F(3)

Regarding the Application for Variance, the Board moved to a vote.

MOTION: “I move that the variance be denied.”

Motion: Mr. Kent

Second: Mr. Cushing

Discussion: None

Roll Call Vote: YES-4 NO-0

Motion passed.

(From #2 above) Re-organization of Board Members: Members shall elect a Board Chair and Vice Chair.

Mr. McGlaufflin stated he would like to be Chair, Ms. Halter seconded.

MOTION: “I move that Tom be the Chair and David be the Vice-Chair.”

Motion: Mr. Cushing

Second: M. Halter

Discussion: None

Roll Call Vote: YES-3 NO-0 ABSTAIN-1 (Mr. Kent)

Motion passed.

6. Other Business: Discussion about code enforcement issues ensued. Board members asked about the removal of political signs from properties. Ms. Hammond Rowan notified the Board that they are looking at several code enforcements issues around town and will add this to the list. The Board also stated that junk yards around town need to be addressed, especially on Tenney Mountain Highway. Also, there is a shed in town that was to be moved to meet the forty-foot setback required by the ZBA decision. Mr. Kent thanked Ms. Hammond Rowan and Ms. Harvey-Bolia for the planner’s document for the meeting.

Ms. Hammond Rowan presented informational slides pertaining to possible amendments to the Zoning Ordinance to reconcile some of the conflicting language. Also discussed were possible updates regarding newer uses which are not addressed by the ordinance.

Various Board members suggested that the ordinance should exhibit greater control over off-campus student housing, including lawn parking and dumpsters. Suggested solutions were discussed.

MOTION: To adjourn

Motion: Mr. Kent

Second: M. Halter

Discussion: None

Roll Call Vote: YES-4 NO-0

Motion passed.

7. Adjournment: 8:25 P.M.

A true copy; I attest:

Juliet Harvey-Bolia

Planning Technician