



Town of Plymouth
ZONING BOARD OF ADJUSTMENT
February 7, 2023 MINUTES

Approved 3/7/23

Call to order

The meeting was called to order at 7:00 pm on Tuesday, February 7, 2023.

Roll Call of Members:

Members: David Kent (Chair), Stephanie Halter (Vice Chair), Tom McGlaulin, Peter Julia, and Malik Hammond (Alternate).

Absent/Excused: Butch Cushing

Town Staff: Joseph Perez, Community Planner.

Pledge of Allegiance

Review of Minutes:

The board reviewed the minutes of the January 3, 2023 Zoning Board Meeting. No board members had any proposed corrections to the minutes, so Halter motioned to approve with a second by Hammond. All voted in favor.

APPLICATIONS and PUBLIC HEARINGS:

A request for a rehearing was received from Eric Bouchard, Joseph Miller, and John Machell regarding the Board's denial of their previously requested Special Exception in accordance with Section 304 and Section 1204 of the Zoning Ordinance for to convert an existing parking facility at 2 and 4 Gould Terrace (110-042 & 110-043) into an off-site parking facility for 42 Main Street, and variance from the 300' maximum distance requirement of Section 1204.3(D).

Kent read excerpts from the language of RSA 677, advising the Board that they should look specifically at the issues raised in the written rehearing request. The Board reviewed and discussed the requests for a rehearing on the Special Exception and variance.

Kent noted that the applicant is responsible for bringing information forward to the Board – the Board isn't the appropriate body to give that advice. The Planning Board offers a conceptual consultation to look at design of the site, but serves a different function. The Zoning Board should look at the facts of the case presented by the applicant only. Halter and Julia discussed that the access concerns had been considered by the Board given the information that they had available. The visual appearance of the parking lot had been considered as far as geometric limitations. Board members noted that the stairs referenced are not being maintained. Julia stated the belief that the Board went above and beyond discussing the facts of the application, examining the case even though the application didn't contain a large amount of detail. Meeting the criteria would be different, and the Board didn't feel other documentation would have resulted in a different decision.

Kent stated that the applicant had the same information available as other applicants, and that he didn't see where the Board had erred in their decision. Hammond asked about the claim that facts were not

provided, noting that the Special Exception had been moot. McGlaulin stated that it isn't the Board's job to massage the application, and stated that there was no reason a rehearing would be fair.

McGlaulin moved to deny the motion for a rehearing of the Special Exception application for Bouchard, Miller, and Machel. Julia seconded, and all members voted in favor. With that the motion was denied.

Julia advised the Board of the scope of review section from the Site Plan regulations, and stated there should have been Planning Board review, and that he believes the Board is making the correct decision. He noted that the Planning Board gives conceptual pre-application meetings.

The Board further scrutinized the request for rehearing of the variance, and Kent noted that failure to meet any one criteria would result in a denial. He stated that the Board could guess about the reason for the 300' requirement, but that the Board addressed it reasonably by considering relevant safety and access concerns. Halter noted the claim of "pre-existing" and questioned what it referred to. She stated that the Board couldn't assess the suitability for parking. Hammond stated that the claimed hardship had to do with selling, and that the parking may make the building less sellable. Kent stated that this did not sound like a property related hardship. Halter stated that the Board has turned down requests for large parking lots in the past, and this was consistent. Julia asked if the Board could look at past permits – Perez responded that this information was minimal. McGlaulin stated that the applicant should be the one to convince the Board. He also noted that he didn't see anything to support the claim that the parking lot is underutilized. The Board noted that the public interest finding still applied to the crossing of private property. Members stated that they didn't see a hardship related to the property. Halter stated that she wasn't aware of variances being given for this type of use in the past, so she didn't feel there was any fairness issue. The Board considered that as far as measurement of distance, it was reasonable to assume that walking distance was the intention. The Board also noted the claim that Railroad Square parking was being developed for other uses. Kent noted that just because something is pre-existing, does not mean a variance needs to be granted. The Board noted that while there was mention of permission from the owner of the stairs, the loss of the Railroad Square spaces was not up to the Board. Kent asked the Board whether what was written in the minutes substantiated his decision, and for the Board to consider that it was not an arbitrary decision.

Hammond moved to deny the motion for a rehearing of the Variance application for Bouchard, Miller, and Machel. McGlaulin seconded, and all members voted in favor. With that, the motion was denied.

Unfinished Business:

New Business

Other Business

Perez stated that some members' terms were set to expire in April of this year. The process for requesting reappointment entails submitting a letter to the Select Board.

Kent advised that he had completed the ZBA test and received a certificate, and found the questions to be different from the non-certificate option. McGlaulin expressed that the training materials were interesting, and that he hoped more could be made available in the future.

Perez noted that the Planning Board had considered the possibility of another joint meeting with the Zoning Board, with May being the most workable month. The meeting could occur either at a ZBA meeting, or a Planning Board work session.

Adjournment

Upon a motion by McGlauflin and a second from Halter, the Board unanimously voted to adjourn the meeting.