



**TOWN OF PLYMOUTH**  
**ZONING BOARD of ADJUSTMENT MINUTES**  
**August 3, 2021 (Approved November 2, 2021)**

1. **Call to order:** Chair McGlaufflin called the meeting to order at 7:00 PM and read the roll call of members.

2. **Roll Call of Members:** Tom McGlaufflin (Chair), David Kent (Vice Chair) and Butch Cushing.

Absent, excused: Stephanie Halter.

ToP Staff: June Hammond Rowan.

The Chair led the Board in reciting the Pledge of Allegiance.

3. **Review of Minutes:** The Board reviewed the minutes of the May 4, 2021 ZBA meeting: The Chair asked if there was a motion to approve the minutes.

A motion to approve the minutes of the May 4, 2021 ZBA meeting was made by Kent and seconded by McGlaufflin. All voted in favor except Cushing who abstained because he did not attend the May meeting.

4. **Unfinished Business:**

ZBA Rules of Procedure - Cushing asked Hammond Rowan to review the changes regarding the proposed ZBA Rules of Procedure update. Hammond Rowan discussed the proposed document. The proposed Rules of Procedure are based on a template suggested by the state planning office. The ZBA has had Rules of Procedure, but this is an updated version. McGlaufflin asked if anyone would like to make a motion about the Rules of Procedure.

Cushing made a motion to approve the updated ZBA Rules of Procedure which was seconded by Kent. All voted in favor.

Hammond Rowan presented a revised ZBA application form. She described the changes noting that they added clarity to the application. The updated version of the application will be a fillable form which will be more user-friendly for applicants. Kent asked if there would be a digital signature as part of the form. Hammond Rowan stated that a digital signature will probably be part of the application, but that applicants would still deliver application materials in person or by mail.

Cushing made a motion to approve the updated ZBA application form which was seconded by Kent. All voted in favor.

Hammond Rowan added that changes to the ZBA application fee are being explored. The possibility of raising fees to better reflect staff time may be considered at some point by the Select Board.

5. **PUBLIC HEARINGS:**

a. A request from 14 Town West Road, LLC through its applicant, Brandon Currier and Jenn Robichaud of Barlo Signs, for a Variance from Article IV, Section 408.5 of the Plymouth Zoning Ordinance to permit an additional free-standing sign where two exist at 14 Town West Rd on Route 25 (PID#212-026). This property lies in the Industrial and Commercial Development Zone. The maximum number of free-standing signs permitted per lot in this zone is one.

McGlaufflin explained to the agent for applicant, Brandon Currier of Barlo Signs, that there were only three ZBA members present rather than the full board of four, and that the applicant has the right to postpone the hearing to the following month before proceeding for the possibility of

gaining an additional voting member. Currier asked if he could postpone the hearing once the proceedings had begun. Kent stated that the choice to postpone must be made before, rather than during, the hearing. Currier stated that he would like to proceed with the hearing on his application, as scheduled. He presented his application to the Board and noted that he was accompanied by the applicant, President Shawn Hanlon of NuCar. Currier stated that the Ford sign which is presently displayed on the property cannot be changed according to NuCar's contract with Ford. Currier added that the other existing sign is on Town West Road and cannot be seen from Tenney Mountain Highway. Currier asked for a third sign to identify the business to the public, as the existing Ford sign doesn't properly represent the business. The proposed sign would be established on an existing sign base. Cushing asked if NuCar was part of the Ford Company. Currier concurred. McGlaufflin pointed out that a NuCar sign exists across the street on Tenney Mountain Highway. Currier stated that the other NuCar sign was for a different property. Kent asked if there was only one entity on the property. Currier concurred. Hanlon stated that the NuCar sign is specific to the NuCar brand and that Ford owns their Ford sign. McGlaufflin expressed appreciation for the business but indicated that if the ZBA gives an allowance for an extra sign, other businesses will expect the same allowance. Currier asked for a postponement of the ZBA decision. Cushing stated that the applicant had already agreed to proceed with the hearing.

Hammond Rowan made note of previously-existing signage and directional signs at the 14 Town West Road property. Directional signs are permitted per the Zoning Ordinance up to 6 square feet in size. Hanlon reviewed the history of the signs on the property, adding that he is using an existing sign base with associated wiring. Currier added that they would be keeping the base, but replacing the pole.

At 7:28 PM McGlaufflin closed the public hearing, noting that no members of the public testified on the application or were present online.

**Findings of Fact:**

1. The sign would be located where there previously was a sign, but it is uncertain when the sign was last there.
2. The sign would be an additional sign when only one is allowed by the Ordinance.
3. The sign site fits all other criteria for height and setbacks.
4. The entire property is a single entity.
5. The main use for the sign would be to identify the brand which they don't have now on that side of the road.

Cushing made a motion to accept the findings of fact. The motion was seconded by Kent. All voted in favor.

The Board reviewed the criteria for granting a variance for the 14 Town West Road, LLC application:

1. The variance would not be contrary to the public interest. T(0) F(3)  
Board found that the applicant could rearrange the signs to conform with the Ordinance.
2. The proposed use is not contrary to the spirit of the ordinance. T(0) F(3)  
The Board found that the Zoning Ordinance allows only one freestanding sign.
3. Granting the variance would do substantial justice. T(0) F(3)  
The Board found that granting a variance could result in having to grant variances for other properties.

4. The proposed use would not diminish surrounding property values. T(3) F(0)  
The Board found that granting a variance would not impact surrounding property values.
5. Denial of the variance would result in unnecessary hardship to the owner. T(0) F(3)  
The Board found that the applicant could comply with the Ordinance so there was no unnecessary hardship.

Cushing made a motion to deny the application for a variance, as presented by 14 Town West Road, LLC because the criteria for granting a variance had not been met. Kent seconded the motion and all voted in favor.

- b. A request from TMH 6-3-11, LLC for a Special Exception from Article III, Section 304 of the Plymouth Zoning Ordinance to permit the property at the corner of Boulder Point Road and Route 25 (PID# 213-002) to have a number of parking spaces greater than 125% of the minimum number of parking spaces required by section 411.2 of the Ordinance. This property lies in the Industrial and Commercial Development Zone. Additional parking in this zone is permitted by Special Exception.

The applicant was represented by Mike McGinley who presented the application and stated that the proposed use is for a 1700 sq ft sandwich shop called Wrap City. The Zoning Ordinance requires 1 parking space per table and the restaurant plans to have 7 tables and will have 6 or 7 employees working at a time. They are requesting 20 parking spaces with 2 dedicated as parking for disabled people.

McGinley stated there were 3 letters of support. McGinley read a letter of support regarding Wrap City from Mike Pelletier of Aroma Joe's. The ZBA had copies of letters from an abutter and the owner of Wrap City.

Kent asked if the amount of impervious surface would exceed the percentage allowed. Hammond Rowan said about half of the lot would not be developed so this is not a problem.

McGlaufflin opened the public hearing and noted that there was no one from the public to comment.

**Findings of Fact:**

1. Applicant wants to put a restaurant on the lot.
2. The applicant does not believe that the Ordinance provides sufficient parking for the estimated customer flow.
3. Additional parking is allowed by Special Exception.
4. The business needs to reserve a certain number of spaces for employees.
5. The neighbors support the applicant.
6. The proposal would not have a negative impact of surrounding properties.

Kent stated that the Board has read and accepted the information in paragraphs 1-6 in the criteria for a special exception. A motion was made by Kent to approve the application for a special exception as presented by TMH 6-3-11, LLC because the criteria for special exceptions have been met. The motion was seconded by Cushing and all voted in favor. Motion passed.

**6. New Business:**

ZBA members - Hammond Rowan noted that the ZBA is looking for additional members. Kent asked if a husband and wife can serve on the same board. Kent noted that the Board should tighten up some aspects of procedure during the meeting and asked if the staff report was sent to Town West Road, LLC. Hammond Rowan verified that the staff report was sent to the applicant.

7. **Communications Received:** None
8. **Other Business:** None
9. **Adjournment:** The Chair asked for a motion to adjourn.

**MOTION:** To adjourn the meeting.

Motion: Kent

Second: Cushing

Discussion: None

Vote: 3 YES- 0 NO - 0 ABSTAIN

Motion passed.