



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

Approved 4/4/23

Call to order

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

Roll Call of Members:

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

Absent/Excused: Butch Cushing, Tom McGlaulin.

Town Staff: Joseph Perez, Community Planner.

Pledge of Allegiance

APPLICATIONS and PUBLIC HEARINGS:

The Board received an application from Northpoint Engineering, on behalf of North Country Development Group, for a special exception under Article IV Section 402 (c). The request is to construct an elevator/circulation tower providing access to an expanded and renovated Tenney Mountain Ski Lodge, located at 151 Tenney Mountain Road. (PID 224-004) The property is located in the Agricultural zoning district. Steven Kelly, the owner of North Country Development Group, along with Jeff Lewis of Northpoint Engineering, spoke regarding the application.

Kelly stated that the goal of the request was to allow for accessibility and mobility concerns to be addressed. In looking at how to increase accessibility to the building, the only feasible solution that the team found was the construction of an elevator tower. Lewis stated that in addition to the Special Exception application, the project will go before the Planning Board for Site Plan review next week. He noted that there were no zoning issues with the proposal, aside from the height of the tower, which they interpreted as a non-habitable freestanding structure, as it was only connected to the building with patio-type walkways. He stated that he believed the criteria for the Special Exception were met, and that it would allow them to provide ADA access.

The board asked about the height of the structure, and the applicant confirmed it would be 47' high as measured from the parking lot level, but the elevation would not be greater than the lodge, which is located higher on the slope. He stated that it serves a key function, and that it wouldn't obstruct views. The Board also asked about materials, and the applicant stated that the tower would be mostly glass and structural steel, to complement the glass, structural steel, and structural timber that would be used on the main lodge. The applicant did not believe there would be any safety issues with the tower, and stressed that it would be fully visible. The main lodge will have fire sprinklers, but the code consultant had not yet determined if they would be needed in the tower. The Board also asked about utilities, and the applicant stated that there was a private water and sewer system, which was originally built to a much larger capacity than what is currently used.

The public asked whether there would be any interruptions to traffic to and from the Eagle's Nest area. The applicant stated that the Planning Board will look more comprehensively, but that the anticipated improvements were all uphill of the road, and that no road changes were proposed. The public also

asked about whether a recent analysis had been done of the water system, and Kelly stated that such an analysis had not been completed yet, but that it would need to happen for the future plans. Another member of the public asked about lighting on the tower, and Lewis noted that the Planning Board would do a more detailed review of the lighting. The applicant is unsure if pylons will be needed to support the structure at this time, as it will depend on a geotechnical analysis.

The public hearing was opened at 7:19:

Gardner Hall, abutter, stated that he supports Kelly and the revitalization efforts, and that he had no objection. He stated that replacing the stairs to the lodge will be a major improvement.

Carolyn Ericson, abutter, stated that she was supportive of the project, and that for many older residents, access to the lodge was difficult with the current stairs. Adding an elevator tower would allow them access that they don't currently have.

Chris Long, abutter and president of TVCA condo association, stated support for the application, and said that he doesn't think it will impact the neighborhood, since the elevation of the top of the tower won't be higher than the lodge. He stated that the residents wanted to see the ski area succeed.

Michael Brooks, abutter, stated that as owner of one of the closest condos to the lodge, he supported the application.

With no further comments, the hearing was closed at 7:23. The Board moved into findings of fact:

1. The tower will be approximately 47' as measured from the level of the road, but not higher in elevation than the existing lodge building.
2. The tower will be taller than ordinarily allowed within the ordinance.
3. The members of the public present all spoke in favor, including the president of an abutting condo association.
4. This will not result in a change to the nature of the neighborhood.
5. The tower would provide ADA access which currently doesn't exist.
6. There will be no impact on Town facilities.
7. The proposed structure would not require relief on any other dimensional requirement, such as lot coverage or setbacks.
8. The tower will have a positive impact as it will help to revive the ski area.
9. The application will be going before the Planning Board for site plan review, which will look at lighting, landscaping, and other factors.
10. The tower could help with evacuation from the building in the event of an injury.

In light of these facts, the Board went through the criteria for a special exception:

1. The proposed use is allowed in the ordinance by Special Exception.
 - a. True: 4, False: 0
2. The site is an appropriate location and of adequate size for the use.
 - a. The Board noted that the site was 284 acres, and confirmed that the elevator will be a conventionally sized passenger elevator.
 - b. True: 4, False: 0
3. The use will not adversely affect the character of the area in which the proposed use was located.

- a. The Board noted that neighbors present support the application, and that it will be a benefit to the Ski Area.
 - b. True: 4, False: 0
4. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. Halter noted that the height will not create a hazard, and that it will benefit pedestrians.
 - b. True: 4, False: 0
5. The use will not place excessive or undue burden on Town services or facilities.
 - a. The roads and utilities are all private.
 - b. True: 4, False: 0
6. There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be located.
 - a. True: 4, False: 0

In light of the facts, and the special exception criteria, Halter moved to accept and grant the application for a special exception. Hammond seconded, and all members voted in favor.

Review of Minutes:

The Board reviewed the minutes of the February 7th, 2023 Zoning Board Meeting. Kent proposed two edits relating to clarity. Halter moved to approve the minutes with the correction. Hammond seconded, and all voted in favor.

Unfinished Business:

New Business

Perez advised the Board about the HOP Housing Grant committees work. He noted that the Town's Housing Consultant will be meeting with the Planning Board on March 9th, and that a large public meeting will be held at Plymouth Elementary School on April 6th at 6:30.

Other Business

Two members of the public, Connor Heidenreich and Anthony Sousa, asked the Board a number of questions about Zoning and Planning issues. These included questions about how Plymouth's Zoning Map came to be, as well as questions about development of affordable housing. Members of the Board explained the relationship between the Town and the Water/Sewer District, as well as the history and rationale of certain zoning districts. Members also discussed the various processes that are required to develop land, and Perez mentioned that they may have an interest in listening to the presentation from the Town's Housing consultant, who will be looking at answering many questions about the need for housing in Plymouth, as well as the Town's regulations.

Adjournment

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