



Town of Plymouth
ZONING BOARD OF ADJUSTMENT
April 4, 2023 MINUTES

Approved 9/5/2023

Call to order

The meeting was called to order at 7:00 pm on Tuesday, April 4, 2023.

Roll Call of Members:

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

Absent/Excused: David Kent (Chair), Butch Cushing, Tom McGlaflin.

Town Staff: Joseph Perez, Community Planner.

Pledge of Allegiance

APPLICATIONS and PUBLIC HEARINGS:

The Board received an application from Dubois and King, on behalf of BYCO, LLC, for a special exception under Article IV Section 414. The request is to construct a 6' tall fence within the front setback to serve a proposed self-storage facility. The properties are located at the end of Page Street. (PID 208-097-32 & 208-097-031) The properties are located in the Agricultural zoning district. Without a special exception, a fence in the front setback would be limited to 4' in height. Sarah Whearty from DuBois and King spoke on behalf of the property owner, who was also present.

The Board confirmed that there would be approximately 100' of fencing involved in phase one, and approximately 170' of fencing involved in phase two. The fencing would be along the road frontage, and the Board confirmed that the material proposed was galvanized chain link, with no topping. There would also be a matching 20' rolling gate. The purpose of the fence was to prevent unauthorized vehicular access to the site, which is the reason it is proposed along the frontage. Entrance to both phases would be via a gate on the west side of Page Street. The Board considered the fact that the special exception was specifically for the fence height. The self-storage facility would require site plan review. The applicant confirmed that the application would be submitted going forward, and that the design was nearly complete. The Board asked about similar fences on the street, and Whearty responded that she wasn't aware of any.

With that, the public hearing was opened.

Those speaking in favor were asked to testify first.

Joan Randlett, member of the public, asked about the ownership. She confirmed that there was no similar fence on Page Street, but that there was a 6' fence behind the houses on Crescent Street, and another along the edge of the property for Plymouth Woods Apartments. The fence near the apartments was a 6' vinyl privacy fence.

Those speaking in opposition were asked to testify next.

Tim Slayer, resident of Page Street, expressed concern that the Page Street entrance to the property would change the quiet nature of the road, which is more residential.

Testimony followed from those speaking neither in opposition nor in favor.

Greg and Donna Patton, Page Street residents, stated that they would prefer a fence taller than 6'. Their preference would be an 8' or 10' fence with privacy slats, to prevent visibility from their house. They also stated that they would like to see additional fencing around the rest of the property, not just along the Page Street frontage. They also stated that there was another entity building storage units, and that they wished the BYCO owners would have met with them before creating the plan.

Julia reminded the public that comments were appreciated, but that the ZBA is only looking at the fence being taller than 4'. The Planning Board would be responsible for reviewing all of the other aspects of the site, as a part of the Site Plan Review application.

Donna Patton noted that there was a concern about plowing snow, as well as lighting and the height of the fence. Whearty noted that lighting plans were being prepared as a part of the Site Plan.

Stewart Cormier of Page Street, via Zoom, expressed agreement with the statements of the Pattons, including the desire for a taller fence, and a concern about traffic impacts, which will be addressed at a later meeting.

With no further comments, the hearing was closed at 7:27. The Board moved into findings of fact:

1. A 6' tall fence in the front setback is permitted by Special Exception.
2. The properties are located in a primarily residential neighborhood.
3. The properties are in the Agricultural zoning district.
4. The proposed fence would be located at the end of a dead-end residential street.
5. The current application before the Board seeks a special exception for a fence in the front yard only. A fence in the side yard would only require a special exception if it would be over 6'.
6. No fencing is proposed in the side or rear yards at this time, only along the Page Street road frontage.
7. The fence would provide security to the proposed development.
8. Within section 414, all fences shall be at least 1' off the property line, and it appears the fence at least meets that requirement based on the plans.
9. Three abutters were neutral, one was in favor, and one was opposed.
10. Applicant has stated that the fence would be a 6' galvanized chain link fence with no topping, accompanying a 20' rolling gate of matching materials.
11. Public testimony has suggested there are no fences of similar material and height on Page Street.
12. There is no sidewalk along Page Street, and the proposed fence is on private property, so it wouldn't create a barrier or hazard to vehicles or pedestrians.
13. Some concerns raised in public testimony dealt with the project site plan, not specifically the height of the fence.
14. The proposed fence is on a private property, and shouldn't impact movements within the road.

The Board discussed the turnaround and concerns about plowing. Julia noted that the fence will be on private property, so he hopes the Town isn't using private property to turn around and store snow. As a result, the fence should not have an impact on those operations. Halter noted that the Board was short, and asked whether the applicant wanted to proceed tonight or wait until a future meeting for a full Board. Whearty confirmed that the applicants wanted to proceed tonight.

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: 3, False: 0
2. The site is an appropriate location and of adequate size for the use.
 - a. True: 3, False: 0
3. The use will not adversely affect the character of the area in which the proposed use was located.
 - a. True with condition: 3, False: 0

The Board discussed the condition in great detail. Members weighed the impact of a 4' fence as opposed to a 6' fence. Julia and Hammond expressed that this issue was the limit of what the Board should look at. Issues around colors and design should be left to the Planning Board. Halter expressed concern that the fence would be the only one of its type on Page Street.

A motion to continue the discussion until the next Zoning Board meeting was made by Julia, and Seconded by Hammond. Julia and Hammond voted in favor, with Halter voting in opposition. Lacking three affirmative votes, the motion failed.

After discussion, Halter proposed that she would find the criteria met with a condition stating: "The Fence will fit within the character of the area, which is residential."

Members noted that the Planning Board will look at the Plan for other aspects, including design.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - a. True: 3, False: 0

The Board discussed criteria

5. The use will not place excessive or undue burden on Town services or facilities.
 - a. True: 3, 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: 3, False: 0

In light of the facts, and the special exception criteria, Julia moved to accept and approve the application for a special exception with the aforementioned condition. Hammond seconded, and Halter, Hammond, and Julia voted in favor.

Election of Officers

Halter noted that Kent was willing was to continue serving as Chair. Hammond moved to nominate Kent as Chair, and Julia seconded. Halter, Hammond, and Julia voted in favor.

Hammond moved to nominate Halter to continue serving as Vice Chair, and Julia seconded. Halter, Hammond, and Julia voted in favor.

Review of Minutes:

The Board reviewed the minutes of the March 7th, 2023 Zoning Board Meeting. Hammond moved to approve, and Julia seconded. Halter, Hammond, and Julia voted in favor.

Unfinished Business:

Perez reminded the Board and the public that Thursday April 6th, the Housing Committee and Planning Board will be hosting a community meeting about Housing. This will take place at 6:30pm in the Plymouth Elementary School, and all community members are encouraged to attend.

New Business

The Board discussed holding a joint meeting with the Planning Board in May, during the Planning Board meeting of 5/4/23.

Other Business

Adjournment

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