



Town of Plymouth Planning Board Meeting Minutes May 4, 2023 MINUTES

PB Approved 5/18/23

ZBA Approved 9/5/2023

1) Call to Order

Chair Christ called the meeting to order at 6:30 pm.

2) Roll Call of Members –

Present: John Christ (Chair), Rebecca Hanson, (Vice Chair), Neil McIver (Select Board Rep.), Phil LaMoreaux, Susan Wood, Mike Ahern, Mark Sturgeon.

Absent/Excused: Zach Tirrell (Alt. Select Board Rep.), Peter Julia (Alternate), Michael Bouchard (Alternate).

Town of Plymouth Staff: Joseph Perez, Community Planner

3) Joint Meeting: Plymouth Zoning Board of Adjustment/Planning Board

ZBA Members present: David Kent (Chair), Stephanie Halter (Vice Chair), Malik Hammond, Tom McGlaufflin (Alternate).

Absent/Excused: Peter Julia

Kent called the roll for the Zoning Board of Adjustment. Christ gave background on the Planning/Zoning Board joint meeting, and advised of the areas that the Planning Board thought discussion would be beneficial. The first such issue was that of findings of fact. Due to a change in statute, the Planning Board now needs to provide findings of fact along with decisions – this is a process the Zoning Board is very familiar with.

Kent explained that typically each member listened to the case, and members went around one at a time listing facts for which the Board had consensus. This typically happens after the hearing is closed, and he noted that it's important in the event of an appeal so the court understands the Board's reasoning. It protects the Town's interest, and also helps lead to fewer appeals overall if the reasoning is clear. The Zoning Board shared examples of facts they might use, and how the process would typically go.

Planning Board members also asked if the Zoning Board had any input as far as regulatory issues they encounter in their work, or types of cases that come up regularly. Kent stated he did not support the proposal that had been considered to amend the off-site parking standard. He also expressed concern about enforcement of occupancy and parking rules, as those things impact the neighborhood, as well as property values. The Boards confirmed that the Zoning Ordinance required parking to be within designated areas that were paved or graveled – not on a lawn. Christ noted that the Planning Board had pulled the amendment related to off-site parking to allow for more discussion about the issues surrounding it. Measurement of distance under that standard was a criterion that presented an issue.

Kent suggested that square footage per occupant should be considered as an amendment, as well as the three-unrelated-person occupancy limit. He noted that there had been a petitioned amendment years ago to require registration of rental dwellings, which would have included inspections. Hanson stated that she didn't expect an intensification of single-family conversions, due to enrollment not increasing, and possibly decreasing at Plymouth State. The 35' height requirement was also mentioned, and the Zoning Board members stated that there was a variance application many years ago to exceed it with an approximately 9 story building.

Christ introduced the HOP Housing Project, which is a multi-part project to look at housing issues in Plymouth. He noted that a community survey is available now, and encouraged the public to take it online or in person. Judi Barrett, of Barrett Planning Group, was present representing the Town's consultant on the Housing Study project. She explained the three phases of the project, and echoed the importance of the community survey. She also noted there will be a community meeting on June 7th to get additional input and report out from the engagement thus far.

Halter asked about the survey, and Barrett clarified that it was a public engagement tool similar to the community meetings. The intention is not to obtain a representative sample.

At the request of Board members, Barrett discussed various tools available to Towns seeking to encourage housing. These include a variety of options beyond just changes to regulations – partnerships with organizations like Habitat for Humanity; disposal of surplus municipal land; and community land trusts are all options available as well. She noted that any appropriate changes or recommendations will depend on what the appetite is in the community for such changes.

McGlaulin asked about churn with rental housing, and Barrett discussed the challenges that could arise at different ends of the housing market. Some individuals may desire to purchase, but are not able to find suitable options. McIver asked about whether Habitat for Humanity was a good organization to work with, and Barrett said she hadn't heard of any negative experiences from communities she's aware of that have worked with them.

The question of tax-exempt land was discussed. Barrett mentioned that community land trusts in her experience usually created tax-paying property, and she wasn't sure about Habitat for Humanity's model. The group also discussed that Plymouth is known for great schools, but there is a question of whether there are enough options for folks coming out of those schools to stay in town if they want. LaMoreaux expressed that the population at the school had been fairly steady. There was also discussion of the definition of workforce housing, among other terms. It is sometimes difficult to know what housing meets these definitions in a community, as there are many different forms it could take.

McGlaulin stated that lot splits used to be easier. He also stated that road, utility, and capital costs for developing new subdivisions prevented some families from developing farmland. The Zoning Board stated that they had denied a variance many years ago for a building much taller than the current regulations allow, and that they want to keep the rural character.

There was discussion of what type of housing is perceived as available and desired in Plymouth, between in-town residential areas, newer subdivisions, and larger rural lots. Wood stated that State standards are already in place for certain things, and that navigating the State and local regulations could be time-consuming and costly. Ahern expressed that there is limited land to go around, and asked if there is funding for housing development. Barrett stated that she believes there are programs to

reduce the cost of building housing under certain programs, but she didn't have the specifics of the developer-focused programs at this time.

Kent expressed that there is a large portion of land in Plymouth that has steep slopes and wetlands. Christ asked the Zoning Board for their thoughts on whether it made sense for housing in ICD zoning along Tenney Mountain Highway to require a special exception in all cases. There was discussion of this, and it was noted that some businesses may not prefer to have residential neighbors. There are other ways it could make sense. Kent noted that the value of commercial buildings over time should be considered, as they are not always built to last. It was noted that some residents walk to employment on Tenney Mountain Highway, even though there are no sidewalks along the road. McIver noted that there was a desire to extend the sidewalk on Highland Street the rest of the way to cross Tenney Mountain Highway, but there have been challenges.

The group also discussed market forces impacting demand for various uses, whether rental housing or commercial uses. There was also discussion of the reasons why people would look for housing in Plymouth, whether they have sold a house out of state, are local already, or other factors.

The Zoning Board meeting was adjourned at 7:51 pm.

4) Review of Minutes

The Board reviewed the minutes of the 4/20/23 regular meeting and of the 4/20/23 site visit meeting. Hanson moved to approve the minutes of the 4/20/23 site visit meeting. Ahern seconded, and all voted in favor. Perez suggested a clarifying change to the 4/20/23 regular meeting minutes. LaMoreaux moved to approve the minutes with the corrections. Ahern seconded, and all members voted in favor.

5) Public Comments (Not related to business on the agenda)

Frank Miller, member of the public, stated that he liked the conversation he was hearing, but felt that Downtown has an issue of space. It will require all parties to work together, as no single property owner has enough land to mitigate all their own issues on-site. He stated that off-site parking issues were a matter of convenience, and that going from street parking in front of the dry cleaners to Silver Hall was approximately 400'. He stated that it's important to think about what the character of town actually is, and that the Town should look to ensure there's regulatory alignment between State, National, Town, and other codes. He also said that parking was an issue, and that the community needs to understand the character and style of any proposed changes.

6) Communications Received by the Board

Perez explained that a communication has been received from the developers of the Mountain View Farms subdivision regarding their intention to build-out Wildflower Lane in the fall. This is cul-de-sac accessed off of Crescent Street, which would provide access to approximately 14 residential lots. It was approved as a part of the originally cluster/open-space development of 2006. The development was amended in 2012, but the original subdivision portion of the development was considered vested and subject to a development/phasing agreement. The developer does have the right, under the original approval, to construct Wildflower Lane. Staff are reviewing the documentation to verify what will be needed.

The Board discussed the approval that was given, Ahern expressed that he received a call from a Page Street that experienced flooding after the development began. McIver asked if a Stormwater Pollution Prevention Plan was in place, and Perez stated that he was not sure at this time, as the request has only been received this week. The documentation is still under review. Members discussed that the Zoning Ordinance referred to cluster/open-space development interchangeably.

Perez showed the Board detail from the tax map showing where the open space was. It was noted that there was also a proposed phase of condominiums on the hill, not within the open space but surrounded by it. This had received a site plan approval, which did not appear to be vested in the same way as the subdivision. He will continue reviewing the development/phasing agreement. An escrow will be needed for construction inspection, and it needs to be determined whether a bond would be required for the completion of the work.

7) Reports of Committees

Christ stated that the business of the HOP Housing Committee was covered suitably during the discussion with the Zoning Board of Adjustment. The CIP Committee will be discussed under new business later on in the meeting.

8) New Business

Public Hearing: Site Plan Review Regulation Amendments

As discussed at the previous meeting, the Board has scheduled a public hearing on the adoption of amendments to the Site Plan Review regulations. These are tweaks to the larger amendments of September 2022, based on a legal review of the changes. The most substantive change regarded the form of surety that could be posted. Instead of allowing for a bond, a letter of credit, or cash escrow; it was recommended to allow for either a letter of credit or a cash escrow. Wood noted that either way it's a lengthy process to get the money if needed, and doesn't happen automatically. A letter of credit is issued by a bank, whereas a bond is issued by a bond insurance company.

The public hearing was opened at 8:25 pm:

Frank Miller, member of the public, stated that the provisions for off-site mitigation should be looked at going forward. There are cases where off-site improvements should be funded as a part of a development, such as installation of sidewalks connecting to the project. Miller noted these comments referred to the regulations generally. He stated that the capability/legal backing needed to be reviewed, to ensure the Board had the ability to ask for off-site mitigation where needed, since site plan review typically only looks at the on-site. He gave the example of Wal-Mart, stating that they addressed their drainage perfectly on-site, but that off-site improvements weren't provided.

With no others in-person or online wishing to speak, the hearing was closed at 8:30 pm.

McIver mentioned that the Board should consider future changes to conserve historic structures and adopt scenic roads.

Hanson stated that the current proposed changes were minor, but larger changes could be looked at going forward if desired.

LaMoreaux moved to adopt the amendments to the Site Plan Review regulations. McIver seconded, and all members voted in favor.

Re-formation of the CIP Committee

The Board discussed which member would be interested in taking on the initiative of chairing the CIP committee. LaMoreaux discussed the process from last year, and stated that this years' committee could utilize the process that the committee developed at that time. Perez confirmed that last year the committee included representation from the Town Manager, Finance Director, Planning Staff, Planning Board, Budget Committee, Select Board, and from the public at-large. Wood mentioned that she had an interest in working with the committee. Hanson asked that the energy commission be given the opportunity to provide input as other departments would.

LaMoreaux moved to nominate Wood to lead the CIP Committee for the upcoming year. McIver seconded, and all members voted in favor.

9) Unfinished and Other business from members of the Board and Planning Staff

McIver mentioned that he would like the Board to discuss scenic roads, a provision requiring utility companies to get Planning Board approval prior to cutting trees on certain designated roads. He also suggested that he would like to discuss protections for historic structures.

10) Public Comments - None

11) Adjournment – Wood moved to adjourn the meeting. Hanson seconded, and all members voted in favor. The meeting adjourned at 8:41 pm.