



Town of Plymouth Planning Board Meeting Minutes May 16, 2024 MINUTES

Approved 6/6/24

1) Call to Order

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

2) Roll Call of Members –

Present: John Christ (Chair), Susan Wood (Vice Chair), Phil Lamoreaux (Nonrecording secretary), Neil McIver (Select Board Rep.), Mike Ahern, Matt Yeaton, Peter Julia (Alternate), Michael Bouchard (Alternate).

Absent/Excused: Mark Sturgeon, Peter Julia (Alternate), Zach Tirrell (Select Board Alt.), Bradford Puffer (Alternate).

Town of Plymouth Staff: Joseph Perez, Community Planner

Alternate Michael Bouchard was seated as a voting member for the duration of the meeting.

3) Review of Minutes of 5/2/24

The Board reviewed the minutes of 5/2/24. Christ proposed two spelling and grammatical edits. Wood moved to approve with the amendments and Bouchard seconded. All voted in favor aside from Lamoreaux, who abstained.

4) Communications Received

Perez gave an update on a number of communications that have been received. Several written letters from members of the public have been received with regards to the application for Site Plan Review on Smith Bridge Road, as well as comments from the Town's Engineer. With regards to the Yeaton Road site plan review application, a request for more time as well as a letter requesting more information from NHDES have been received. There is also a letter and informational documents sent by BYCO regarding their request for approval to modify the infrastructure in the Mountain View Farms development. Lastly, the legal review of the proposed subdivision regulation amendment (scheduled for hearing on June 6th, 2024 at the Planning Board meeting of 6:30) was completed, and Perez noted that there were only a few minor wording tweaks recommended – no substantive changes. Christ reminded those in attendance that on June 3rd, 2024 the Planning Board intends to hold another community meeting related to the Housing Opportunities Planning project. The goal was for that to take place at 6:30 pm at Plymouth Regional High School.

5) Applications and Public Hearings

Continuation of public hearing: Parcel 213-014, Yeaton Road Commercial/Residential Development

Christ explained the application from Hess Engineering and Construction Consultants on behalf of property owner YTN TMH LLC to develop an approximately 6,000 square foot commercial building with two residential units on the second floor, along with associated site and drainage improvements to support the building as well as a potential future phase two. Perez noted that this meeting was the Planning Board's last to fall within 65 days of acceptance, which is the window the Planning Board has to act in accordance with State Statute. The applicant has stated that they are working on modifying some details of their plan, and the information on those changes is not ready to bring back to the Board at this

point. The applicant stated in an email that they are more than happy to waive the 65-day time limit on action, and ask the Board to consider continuing the public hearing to give them a few more months. Perez noted that since the 65-day limit was running out, the Board had effectively two options. The Board could agree to the request for a waiver of the 65-day timeline, and continue the hearing; or the Board could deny the application without prejudice due to lack of necessary information being provided by the applicant. That would require the applicant to reapply. Lamoreaux noted that, with the plan being updated, the Board would have to make the decision as to whether it was so substantively different that it should be considered a new application with new notice sent to abutters. During the first public hearing, the Board recalled that no major concerns were raised by abutters. The Board discussed the merits of granting the waiver and continuing the hearing, as opposed to denying the application without prejudice. Since no specific date was listed in the request for a continuance, the Board decided that it might make sense to continue another month, and reevaluate at that time. Christ reopened the public hearing on the application at 6:50 pm.

Krista Lamb stated that she lives in Campton, and is a note-taker for the Laconia Daily Sun. She asked for more information on the concerns raised by NHDES, and about the meaning of the 65-day timeline. Christ explained that the Board accepted the application at a meeting just under 65 days ago, and that it was a statutory timeline for the Board to make some decision unless there is agreement between the Board and the applicant on a waiver. McIver stated that it appeared the revisions requested by NHDES in their letter requesting more information on the wetlands permit application would require significant work by the applicant.

Lamoreaux moved to grant the applicant's request to waive the 65-day timeline for decision and continue the hearing to the Planning Board's regularly scheduled meeting of June 20th. Ahern seconded, and all voted in favor.

Continuation of public hearing: Application to modify previously approved infrastructure in the Mountain View Farms development

Christ explained the request that had been received from BYCO, seeking approval to modify the approved infrastructure in the Mountain View Farms development by removing sidewalk along Crescent Street which was approved and has been partially constructed, and by not constructing sidewalk along Wildflower Lane. Corresponding curbing is also proposed to be eliminated as a part of the request.

Dale Blackey of BYCO gave an overview of the request. He explained that since last meeting, 24 of the 31 homeowners on Crescent Street have either signed a petition or emailed in support of the elimination of the sidewalks and curbing. He also set up a motion-activated camera where the constructed portion of the sidewalk approaches the community mailbox for seven days. During that time, 128 walkers were pictured with 116 walking in the road, and 12 on the sidewalk. He stated that this supports the fact that residents aren't using the sidewalks where they are built. He also noted that at the end of each driveway there is a lamppost with a dawn-to-dusk sensor, providing suitable lighting. The sight distance is 240', and the paved area of the road is 25' wide, which he states is adequate for pedestrians. His letter and supporting documents have been provided to the Board. McIver asked about ADA compliance of the sidewalks, and Blackey stated that all sidewalks built to-date were sized accordingly with ADA requirements. McIver has concerns that not all owners have indicated their agreement with the request. The width is 4', and there are regular passing areas which are accommodated in the driveways.

Lamoreaux stated a concern that the residents were expressing their support only because it was being presented to them as the way to have the road become a Town road, and likely didn't reflect a fair analysis of their opinion independently. Christ also noted that at the previous meeting, leaving the sidewalks was linked to BYCO stating they would increase association fees. Lamoreaux noted that a petition could always be filed to request a vote of Town Meeting to accept the road. Both expressed

that the Planning Board should protect the public, and also to think about the future needs and growth of the Town. There is a proposal already in the works to extend sidewalk along Main Street to Fairgrounds Road, and there has been substantial input from the public supporting a sidewalk along Fairgrounds Road. Christ also noted that the question of Road acceptance was ultimately a Select Board issue. Members discussed future increases in walking, the 55+ nature of the community, and also noted that the number of pedestrians counted by the camera suggested that the road already sees a high number of pedestrians, which could only be expected to increase once the Wildflower Lane phase was complete. Board members expressed some skepticism that pedestrians would use the sidewalks in their current state even if they wanted to, since they were not fully constructed. Ahern asked about the right of way being left in place in case the sidewalk was removed now but the Town wanted to build a new one later once the road became a Town road, and Blackey confirmed that the full 40' Right of Way width would all go to the Town, leaving the room for a sidewalk.

A public hearing was opened at 7:21.

Gisela Estes, Plymouth Resident, expressed that she has lived in Plymouth since 1971, and that more and more people are walking even as they age. She strongly supported the sidewalks staying in place, as they would improve safety for all of those who walk compared to being in the road.

Molly McCahan, Plymouth resident, asked why they would be removed, and Board members explained some background of the Select Board's statement not to accept the road with the sidewalks as a Town Road. She suggested bringing the road acceptance request to Town Meeting.

Christ explained that when the development was originally approved, the Town had authorized 4' sidewalks. The Town now has a new sidewalk plow that's 5' wide, and the Highway Department has stated that they can't plow an accepted road with sidewalks that are only 4' wide. There are also no continuous sidewalks to the street, so the sidewalk plow would have to be driven to the area.

Chris Woods, member of the public, asked if there was a Town standard for sidewalk width. Perez confirmed that to his knowledge, there is not. The Subdivision Regulations state that the Planning Board may require sidewalks, but does not provide for a minimum specification. He is not aware of any written standards that are utilized by the Highway Department.

Frank Miller, member of the public, stated that some sidewalks in town are raised, separated sidewalks and some are simply painted lines on a road. In his view, painted lines on a road would be suitable sidewalks in some cases.

The Board discussed the feedback. Lamoreaux asked about whether the ground rose on either side of the sidewalk, and Blackey stated that the ground slopes down and away from the sidewalk. Lamoreaux noted that many who moved into the development may have done so with the understanding that the sidewalks would be completed. McIver noted that in many cases the Town contracts out plowing, and that could be done for the sidewalks if the road were to be accepted and the sidewalks were to remain. Christ noted that thinking about the long-term development of the area it was a good idea at the time that the Planning Board approved the development to require the sidewalks, given the future development anticipated in the area and the nature of an OSRD. Lamoreaux stated that he appreciates the Town Manager's interest in keeping costs down, but also that he was concerned about the risk of liability to the Town. It was noted that if there is a sidewalk present on a Town road, the Town is obligated to keep it clear. Lamoreaux expressed a desire to receive legal input on the question of liability. There was discussion of whether changes would be made to an approved plan, and it was clarified that the approved plans include the lot lines, which are on the recorded plan, as well as the road and infrastructure specs, which are not typically recorded. Ahern asked about what the cost would be to plow the sidewalks. Yeaton expressed concern about costs being borne by the taxpayers in the future if the sidewalk was removed now then later needed to be rebuilt. Christ noted that there could

be a sidewalk along Main Street to Fairgrounds Road in as soon as 10 years. Lamoreaux moved to continue the hearing to the 6/20/24 Planning Board meeting in order to seek additional legal and Select Board feedback on the question. Ahern seconded, and all voted in favor.

Continuation of public hearing: Hotel Site Plan Review application, parcel 212-041, 12 Smith Bridge Road

Christ explained that this is a continuation of a public hearing on an application for Site Plan Review, submitted by Lafrance Hospitality, to develop a 93-room "Home2Suites" hotel on a portion of present parcel 212-041, 12 Smith Bridge Road, owned by T&T Mountain Investments. The subdivision application to divide out the hotel parcel was conditionally approved at the last meeting. David Sherbourne introduced the applicant's team including himself, Barry Stowe, and Brian Jones. Jeffry Dirk, the traffic engineer for the applicant, was present via Zoom. Sherbourne explained that some minor modifications have been made to the plans, notably the patio has been moved further from the western property line on the north side of the hotel, additional landscaping has been added to the shared property line with 30 Smith Bridge Road, the southern-facing façade has been adjusted for additional visual interest, and a culvert crossing the southern end of the driveway has been added as per the new flood impact study. He also noted that the Town Engineer's report has been reviewed, and that items 1-6 on the report are acceptable as conditions. He asked that the Planning Board defer to NHDOT with respect to item 7, with regards to whether any traffic impact mitigation measures are necessary. Perez read the engineer's report. In item seven, the Town's Engineer states that the Board should consider whether off-site impact mitigation should be required, but also noted that the trip volume and distribution in the traffic study are in line with what would be expected. Yeaton asked about the seasonal adjustment factor used in the traffic study, which was based on a counter at the Plymouth-Campton line on route 93 to determine summertime increases. The applicant responded that DOT had stated that this was the traffic count that should be used to determine seasonal adjustments on route 25. Planning Board members noted that the concern was less about the impact on route 25, and more about the intersection of route 25 and Smith Bridge Road. Dirk stated that the applicant had considered the feedback from the first hearing with regards to the intersection concerns, and the concern about a higher volume of traffic than originally anticipated using Fairgrounds Road. Dirk stated that the original study had allocated 5% of trips to Fairgrounds Road. Even if it was increased to 10% of trips generated by the hotel, twice the original expectation, that would be an increase of 30-50 vehicles over the course of a day, averaged to about 3-5 over the course of an hour. He stated that this level of increase would not be noticeable on Fairgrounds Road, and that the Town's Engineer did not raise any concerns. Wood asked if the applicant had any feedback or thoughts on how the additional traffic impacts generated by the proposed hotel could be addressed. This would give the Planning Board something to work with as a starting point. Sherbourne stated that DOT feedback would be received soon, likely in the next couple of weeks, and that they would prefer to see if DOT requires any off-site mitigation. Christ noted that the impact would need to be viewed incrementally, from the perspective of the incremental negative impact on the intersection. Lamoreaux noted that several letters were provided to the Planning Board in advance of the meeting.

The public hearing was opened at 8:09.

Fred Kelsey, resident of Chiasson Road, stated that he has lived there for 40 years. He is not opposed to the idea of a hotel, but is concerned about the rural character and the safety of the intersection. He stated that in his understanding the traffic study was based on counts conducted March 23rd through 26th then seasonally adjusted. It projects 410 additional trips, with 71 turning left at the peak hour. The Smith Bridge Road intersection is currently a category F, and he stated that there was an accident there last Saturday. He stated that the intersection was his major concern.

Dannielle Sargent, abutter, handed out copies of a letter, as well as a petition that she has collected signatures for in opposition to the proposed development. She stated that she has had physical petitions, as well as a digital signature option on her website, which totaled almost 1,000 signatures, and 3,000 website visits with an average of five minutes spent on the site per visit. She stated that she was not against growth, but that it should be in the ICD zone, not the AG zone. She stated that the intersection was a concern, as well as the future development of the rest of the site. Her concerns are flooding, noise, environmental, well impacts, and property values. She stated that she believes the applicant considered two other locations, and that the hotel would be better off in another location. Molly McCahan, resident, asked how a hotel would be allowed in the AG zone. Christ explained that the AG zoning district allows for a wide variety of uses, and Perez noted that section 304 of the Zoning Ordinance is what dictates which uses are allowed in particular districts. McCahan expressed concern that there was not much regulation of the district.

Kathy Kelsey, member of the public, stated that she reviewed the zoning ordinance and the Master Plan, and found that the zoning ordinance is opposite to the master plan, which calls for preserving rural character. She stated that 85% of Town is in the AG zone, and it allows for gas stations, hotels, retail, sexually oriented businesses, and other uses. She stated that NH is the #2 best state to live in per US News, and urged the Town to look at zoning changes.

Christ noted that with respect to the application that was submitted, the Board could only consider what's on the books today for regulations.

Joan Turley, of the Plymouth Conservation Commission, stated that the impact on the Baker River is a concern, including of future phases.

David Sherbourne stated that there were no current plans for the rest of the property.

Lamoreaux noted that all that was at issue today is the development proposed, as even if there were plans for the rest of the property, they were not a part of the current proposal and shouldn't be the subject of speculation.

Claire McCahan, resident, stated that the Board should think about the future of Plymouth. She has lived in many places, and saw many towns in the western U.S. change because of hotels. She is concerned about the quality of life impact, as well as the public health impact and the river.

Ellen Thai, a Campton Resident who works at the animal hospital, stated that she turns left frequently at the Smith Bridge Road intersection, and suggested that the 80-90 daily clients at the hospital would likely take Fairgrounds Road instead of the Smith Bridge Road/Route 25 intersection if delays increase there.

Gisela Estes, Plymouth Resident, stated that she agrees with the concerns raised so far, and is also concerned about the loss of farmland.

Christ Woods, member of the public, stated that the key issue is traffic impact over the long term.

Candice Beth asked about the hotel being a long-term stay hotel. She works at the school, and asked how many students it would bring to the school.

Christ asked the applicant for clarification, and Tim Burkhardt stated that the hotel is typically transient-oriented for leisure travel, though approximately 20-30% of the guests are generally considered extended stay at this type of hotel.

Molly McCahan questioned what extended stay meant, and Burkhardt clarified that 20-30% were expected to be extended stay, which is typically 4-7 nights, while the rest were expected to be one or two nights.

Nate Everetts of Longview Farm stated that his concern is the intersection of Smith Bridge Road and route 25 – he does not want to see development there until it's fixed. He stated that he sees as many as

400-600 transactions at his farm over the course of a summer weekend day, many of whom would use the intersection. During the weekdays, the farm sees 300-400 transactions per day.

Dave Cote, abutter, owns the animal hospital and stated that the intersection is his concern, and stated that he believes the traffic study misses a lot of trips. He also stated that he plans to do surgery on skunks outside of the hospital.

Angela Rinehart, resident, expressed concern about the east side of the shared driveway, which would include developable land.

Krista Lamb, of the Laconia Daily Sun, stated that she is a Campton resident from South Florida and was concerned about the increase of hotels and transients that happened there. She asked if the hotels and short-term rentals in the area were not adequate, and why a hotel was needed at all.

Christ noted that the Board could really only be concerned with the application presented, and it wasn't for the Board to determine if something was economically feasible.

Molly McCahan asked if the Planning Board could consider anything other than the regulations, such as labor standards. Lamoreaux clarified that the applicable standards were out of Zoning and the Site Plan Regulations, any other standards were Federal or State level. Lamoreaux noted that the Planning Board has considered changes to zoning in the past that relate to the ICD zone and the AG zone, but they didn't go forward.

Dannielle Tiffany asked about the fact that Walmart, Boulder Point, and Riverside Landing were required to install traffic lights. Board members noted that each scenario was a bit different – the intersection of Smith Bridge Road and route 25 was already existing.

Dennis Wondry asked why other sites were not considered.

Planning Board members stated that this was not up to the Planning Board. Wondry stated that he was concerned about the corporate interests behind the hotel.

Gisela Estes asked whether a traffic circle would be considered at the intersection of Smith Bridge Road and route 25, due to the benefits for traffic flow and reduced idle time.

Perez explained the NHDOT Ten-Year Plan, which was essentially a CIP for the State, and includes the improvements to the intersection scheduled to take place in 2032, with engineering to begin in 2027. At this point, the only details are that it will be improvements to the intersection. What form they take will be based on the engineering analysis that will take place later in the process.

Christ asked Perez about the Town Engineer's memo, and what the Board could consider with regards to traffic. Perez noted that he had only seen it today, but the Board would need to consider proportionality if it decided to request any mitigation measures – they would need to be related to the unmitigated impact caused by the development.

Dirk stated that he believes there has been mischaracterizations of the study. It states that the hotel, over 24 hours, will generate approximately 410 trips – 205 in and 205 out. For exiting traffic, 5% will turn right on Smith Bridge Road, 95% will turn left on Smith Bridge Road and utilize the intersection. Most of those will turn left to proceed to I93.

Brian Jones stated that the Town's Engineer has completed his review, and that DOT was conducting their own review. He urged the Board to defer to DOT with regards to the question of whether mitigation would be required. This review is happening in-house, not in Concord, and should be available prior to the next meeting. Jones stated that if DOT asked for any off-site mitigation they would need to provide it, since there would be no project without a driveway permit. The Board discussed the traffic study, as well as the current conditions in the intersection.

Sherbourne stated that the developer wants to play by the rules, and that they went through third party review, and are okay with comments 1-6. They asked the Planning Board to defer to DOT on comment 77, and stated that he didn't want the Board to move the goalposts.

Frank Miller stated that the political will was an issue with ensuring the intersection gets repaired. He stated that the public needs to push DOT and the legislature to prioritize the issue.

Danielle Sargent stated that she wanted a site visit to take place. She expressed that the Board could visit her house too.

The Board discussed the request, and the applicant stated that they were not in opposition to a site visit. Lamoreaux moved to hold a site visit meeting at 5:00 pm on June 6th. McIver seconded, and all voted in favor.

Lamoreaux and Perez noted the letters that have been received, and that Florence and Denis Girard had sent a message asking for her letter to be read before the Board. Christ read the letter, which expressed concern about the intersection and asked for a driveway onto route 25 rather than Smith Bridge Road. Lamoreaux moved to continue the hearing to the June 20th Planning Board meeting. Wood seconded, and all voted in favor. Jones asked if the Board was deferring to DOT with regards to the need for off-site mitigation, and Lamoreaux stated that the Board would like to see what DOT says before deciding.

6) Informational and pre-application reviews

None

7) Other business from members of the Board and Planning Staff:

Christ reminded the public of the 6/3/24 community meeting with regards to the Housing Opportunities Planning project. Christ and Perez noted that the State of New Hampshire has announced additional HOP funding is being made available to communities, with priority to Towns involved in the HOP grant already. More information will be available soon.

8) Public Comment

Molly McCahan asked about how to get involved in the process of working on the development of Zoning. Board members noted that the upcoming housing meeting was an option, and the Board's work sessions were usually a better time for a member of the public to address the Board and work on items besides application review. It was also noted that there is an open alternate seat on the Planning Board if she wanted to get more directly involved.

9) Adjournment

Wood moved to adjourn. Lamoreaux seconded, and all voted in favor.