



Town of Plymouth
Planning Board Public Hearing Meeting
Plymouth Town Hall
Plymouth, NH 03264

January 20, 2015

Public Hearing Meeting on Amendment to the Zoning Ordinance as proposed by Public Petition

Final – March 5, 2015

MEMBERS PRESENT: Mike Ahern (Chair), John Randlett (Vice Chair), John Kelly, Bob Dragon (Alternate), Neil McIver (Alternate) and Rebecca Hanson (Conservation Commission Representative).

OTHERS PRESENT: Sharon Penney, Town Community Planner

ABSENT/EXCUSED: Jack Scarborough, Bill Bolton

CALL TO ORDER: Mike Ahern called the meeting to order at 6:30 pm. Roll call of members was completed. Bob Dragon was appointed as a voting member.

GENERAL PUBLIC COMMENTS:
None

ADMINISTRATIVE MATTERS:

- **Public Hearing on Proposed Amendment to the Plymouth Zoning Ordinance as Presented by Public Petition a Change to Zoning Article XI, Administration Enforcement as the New Section 1103 Property Registration:**
- The public hearing was opened at 6:44 p.m.:
 - Mr. David Kent recalled a meeting on November 17, 2014 when the public vocalized their concerns on student housing issues to the town attorney, Mr. John Ratigan, which resulted in the creation of a public petitioned zoning amendment to help address the problems. Mr. Kent said that residents feel that enforcement is a major problem and so the petition article was created to help enforce the current ordinances by providing assistance as a data tool. He stated that the petition will appear on the town warrant ballot and that he hopes that the Planning Board will decide whether they will approve the amendment or not. He stated that the petition is in conjunction with the Health, Safety and Welfare provisions of the town to adopt this measure. The Town Administrator and the Code Enforcement Officer were the first to sign the petition because they believe that assistance is necessary, according to Mr. Kent. He also stated that residents have met with the

town's attorney in a public meeting forum, who suggested that they should create another ordinance. The Master Plan focuses on the protection of the health and safety of residents in single family neighborhoods from the multi-family expansions of off-campus, university- based housing demands and regulation is a needed approach with fees. The Planning Board should consider the adoption of a rental housing ordinance with annual inspections with fees

- Mr. Kent believes the article will assist the current code enforcement personnel in the enforcement of the current regulations. This amendment is designed to accomplish this goal with a minimum burden on landlords. The petitioned amendment to the zoning ordinance will not impact property outside of downtown Plymouth nor will it impact homeowners who wish to rent their property during the summer or occasionally. Landlords have to rent so many days a year for this ordinance to apply to them. The amendment will provide and maintain information, which town officials can use to know what properties are rental units. It will provide landlords who abide by the town's regulations some protections from landlords who do not abide at all. It will assist the police department, fire department, and town government who will have the necessary information in case of an emergency or conflict. Mr. Kent believes that the article will prove helpful because it will demand contact information from out-of-state landlords. Also, both the fire chief and police chief have signed the petition. It will provide police and fire officials' information relevant to state statutes. It will make current and future landlords aware of regulations. It will prevent some property from being converted to student rentals when potential landlords learn that the legal occupancy might not be economically viable. He also distributed a picture of 13 vehicles parked at a rental unit. Some vehicles were parked on the lawn, in the driveway and backyard. The amendment would be self-funding, but not a tax. The Selectmen set the rate for the fee. It will not go into effect until June 1, 2015. It will help maintain property values and preserve households from some renters, who do not treat households with respect and increase the housing markets in surrounding neighborhoods. Mr. Kent believes that if residents live next to student renters, then their property value has diminished. It will not expand the existing regulations on landlords other than requiring that they provide the town with their contact information and pay a fee per property. The Selectmen decide the design of the registration. Mr. Kent offered to help the Select Board. He quoted pieces of the Master Plan that support the purpose of the amendment. He believes that residents deserve to be protected by the town at least having the ability to have the Code Enforcement Officer to do his/her job, and that is what the amendment does. Therefore, he hopes that the Planning Board will support the amendment.
- Ms. Sharon Penney clarified that the Planning Board does not approve the amendment as stated but will vote on a *recommendation* for approval. Approval will be sought at the polls during town meeting by ballot vote. It will go to the town meeting as a warrant article. The language cannot be changed by this or any other public hearing at this point.
- Mr. Ahern stated that each person is limited to three minutes to speak, must state name and address.
- **In Favor:**
 - Dr. Kevin Young, who lives on Langdon Park Road, supports the ordinance. He is part of a community group and represents a group of 23 people who support the proposal and have signed the petition. He has lived in Plymouth for 34 years and feels that in the past two years, he has witnessed a dramatic change that

threatens local residents. He and other community members have asked and received support from the Town Administrator and the town attorney on trying to mitigate rental issues. His group decided to get involved due to the accelerated takeover of single family houses and residential neighborhoods, which has devalued the housing market and increased the exodus of people from residential areas. Secondly, current ordinances are difficult to enforce and the petition is designed to assist their enforcement. He believes that parking remains to be a safety issue.

- Mr. Frank Miller supports the amendment because he believes it will better define what is temporary housing and permanent housing, also the various housing codes.
- Ms. Catherine Amidon, who lives on 29 Merrill Street, supports the ordinance because she lives next to a single family home that is rented by people who have caused her misery through their inappropriate activities, such as disruptive noise and other miscellaneous activities in broad daylight. Mrs. Amidon believes that the ordinance will protect residents from what she has faced in her neighborhood.
- Ms. Beth Wheeler, who lives on 33 Merrill Street, supports the ordinance because she is concerned about the neighborhood, which she believes has been exposed to bad situations caused by renters. She has called the police, as well. Also, she stated that there are only so many family neighborhoods in Plymouth and she believes that her neighborhood has so much social capital that has disappeared from the area.
- Ms. Mary Crowley, who lives on 433 Main Street, supports the ordinance because she was raised in Plymouth, New Hampshire and values the family feel of the area. She thinks that the police and fire department should be given the tools to address these issues.
- Ms. Linda Dauer, who lives on 5 Langdon Park Road, supports the ordinance because she believes that the townspeople need help from the town government to stop their neighborhood from being destroyed.
- **In Opposition:**
 - Mr. Zachary Stoppe, who lives on Carson Lane, opposes the ordinance because he believes that the amendment is unconstitutional, invades privacy and will be expensive for tax payers, though they say it will be funded by the fees. He also thinks it will affect more people than the townspeople say, for instance, landlords who want to rent.
 - Ms. Pretz asked about the picture that was passed around by Mr. Kent and wants to know why, if there are 13 cars on a lawn, regulations can't be enforced.
 - Ms. Penney stated that the presumption is that all the vehicles are owned by the renters and that everyone has the right given by statutes to have parking as long as it meets the parameters in the zoning ordinance.
 - Ms. Pretz asked Ms. Penney: how would the landlord's registration be helpful, if everyone already knows that some student renters are unruly?
 - Mr. Don Hunter opposes the ordinance because he believes that the amendment will require the landlord's information, but it will not stop the renter's behavior. He feels that the ordinance is after the landlord to take control of student behavior, not to regulate how many people are within a single family home.
 - Mr. Gabriel Niezetic, who owns a law office on 66 Highland Street, spoke in opposition of the ordinance, though he does support the townspeople and understands their concerns. He's had to replace his firm's sign about a dozen times and it has been stolen at least four times. He understands the townspeople's frustrations with the enforcement mechanism, whether that is due

to a lack of law enforcement experience or due to a lack of town code enforcement experience. Mr. Niezetic stated that the town already has ordinances in place to regulate these problems. For instance, the parking and zoning ordinance. He feels that because the ordinances are not being used that does not mean the town should create more. He also feels that the problems do not involve the Planning Board or Zoning Board, but that they involve law enforcement to enforce the ordinances, such as the disorderly action ordinances and the other ordinances that protect the town. Although he understands the legitimacy of their complaints, he does not support the ordinance because only a few students are a problem and the rest of the student population help businesses in the local community thrive. He does not think the ordinance will be helpful because a registration requirement will not tell the townspeople what the terms of the lease are and who is violating the lease. He believes that the registration requirement will embroil the town in a large lawsuit.. He is experienced in creating ordinances and from his personal experience he does not believe the ordinance will be helpful. Mr. Ahern interrupted Mr. Neizetic to tell him that the board has placed a time restriction and that he would like to hear the rest of his speech, but after other people have time to speak.

- Mr. Jeff Therrian, who lives on 23 Summer Road, opposes the ordinance because he finds it unfair that landlords who do their jobs, like himself, must pay a registration fee. He clarified that Plymouth State University does not allow freshmen and sophomores to live off campus.
- Ms. Kim Lamb, who lives on 10 Bell Road, opposes the ordinance because she believes there is an enforcement problem instead of an ordinance problem. She believes the problem has to do with landlords who are not at the meeting and she also finds it unfair that all landlords are being targeted.
- **Neutral:**
 - Mr. Nick Mason, who lives on 53 Merrill Street, stated that Plymouth State University is discouraging students to living off-campus. He does not think single family homes are being constructed into multifamily households. He thinks the ordinance is vague because it does not mention if the fee will be one time or annually.
 - Mr. Brian Murphy stated that the ordinance is a tool that will help the town keep inventory of landlords in the community. He also mentioned that zoning enforcement is not the problem.
 - Mr. Sheridan Buhrman, who lives on 80 Morse Road, opposes the ordinance because he thinks it is unfair that the ordinance is targeting all landlords when the landlords who are the problem are from out-of-state.
 - Ms. Arlene Stoppe, who is an out-of-town landlord, opposes the ordinance because she doesn't believe the ordinance will accomplish what the townspeople want to be accomplished. If someone wants to a buy a single family home, then they are allowed to do that. She thinks that the town should use the ordinances that are already in place.
- **In Favor:**
 - Mr. Kent stated that the ordinance would be helpful because it would allow local officials to contact landlords when there is a problem. He also said that the town attorney said that the ordinance is fine and that the possibility of a lawsuit should not stop the ordinance from being approved.
 - Dr. Young commented that perhaps the people have been misadvised, but the people created the ordinance to fix the problems in town.

- Ms. Amidon stated that the ordinance has nothing to do with students because her neighbors are not students. She had to get their vehicle towed once and they chased her down, so she locked herself up until the police came to her home.
- **In Opposition:**
 - Mr. Niezetic understands Ms. Amidon's fears, but he does believe they involve legislation. He opposes the ordinance because it does not comply with state regulations. Another problem is that the ordinance is broad and could mean anything. Finally, the other problem is preemption because these problems can already be fixed with current state laws. New Hampshire already has a law that requires landlords to provide their contact information and if they fail to do so, there is a penalty.
 - Mr. Murphy asked Mr. Niezetic: does RSA 540 extend to single family homes, as well as multifamily homes? Mr. Neizetic said yes that depending on the relationship between the tenant and the landlord, everything that is being done is already preempted and if the town violates that under the document of preemption, then the ordinance will be shot down.
 - Mr. Hunter restated that the ordinance will not fix the problems that the townspeople have with student renters.
 - Ms. Stoppe restated that the town already has the power it needs to stop student disruptions in neighborhoods. She agrees with Mr. Neizetic that the state has statutes that protect residents. Plymouth State University works with landlords on disciplinary actions that must take place.
- Mr. Ahern closed the public hearing at 7:36 p.m. and asked the board to deliberate.
- Mr. Neil McIver stated that the town is in a difficult situation because the town has landlords who are not held accountable, but should be held accountable for not solving these problems. He believes that the ordinance will help and the town government has been working with real estate professionals who were at the meeting and they have been working on proper solutions. If the ordinance will help local officials, then he thinks it ought to be approved.
- Mr. John Kelly is concerned about the legal action that might be pursued because of the ordinance and he recommends that the town should look more into the legality of the ordinance. He also thinks that the ordinance is another zoning regulation and it is another solution for a problem that has not been fixed, so he recommends that the town should step aside and look at the problem with closer eyes.
- Mr. John Randlett stated that it doesn't matter what the Planning Board thinks because it will be on the ballot and voted on anyways. He understands the concerns and is interested in the approval of the ordinance because it will be a useful tool that the town can use in case of emergency or conflict.
- Mr. Bob Dragon suggested that enforcement is the issue instead of regulation and that the townspeople and town government should shift their focus to make existing laws enforceable.
- Mr. Ahern admits that he has rentals in town and remembers when he had to fill out inventory sheets. He states that the ordinance targets only landlords, so it seems unfair to him. He doesn't think that the old inventory list made a difference. He agrees that there is a problem in downtown Plymouth. He reminds everyone that the Planning Board will meet again for review of the proposed ordinance. He asks that the Chief of Police please be present at the next meeting, so the people can ask him questions on whether he has the authority to enforce current regulations.

CORRESPONDENCE:

None

NEW BUSINESS:

- Mr. Ahern announced that the next public hearing will be on February 3, 2015 and is a continuation of this meeting which was duly noticed.
- Mr. Kelly asked if there could be town counsel present at the future meeting to prevent a lawsuit against the town. Ms. Penney said that town council has reviewed the ordinance already and that won't happen.
- Mr. Randlett again reminds the board that they do not have authority to change the wording or anything in the proposed ordinance. The Planning Board will only say whether it approves of the ordinance or not.
- Mr. Kent asked the Planning Board: will the next public hearing will be a continuation or a new public hearing? Mr. Randlett proposed that it be a continuation. Ms. Penney said that the next public hearing can allow people to voice their concerns just like the current meeting format if the public hearing portion of the meeting is reopened and new commentary is given. Mr. Ahern agrees and hopes that the next public hearing will allow everyone to address whether they are in favor or opposed.

UNFINISHED AND OTHER BUSINESS:

None

Public Comments:

None

ADJOURNMENT:

- Mr. Randlett made a motion to adjourn at 7:53pm; seconded by Mr. McIver.

PLEASE NOTE:

The public is invited to attend all meetings of the Planning Board. During official public hearings, the public is welcome to speak. For other items the public may speak at the discretion of the chair/board. Files on the applications and items above are available for inspection in the Planning Department in Town Hall, from 8:00 a.m. to 4:30 p.m., Monday through Friday. These applications and items are subject to change prior to final action. Contact the Planning Department if you have questions or comments about these or any related matters or if you have a disability requiring special provisions for your participation at 536-1731 or you can e-mail the Town Planner, Sharon Penney at: spenney@plymouth-nh.org.

Respectfully Submitted,
Jaseya Girona