



Town of Plymouth

Planning Board Meeting

Plymouth Town Hall

Plymouth, NH 03264

February 3, 2015

FINAL – March 5, 2015

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

MEMBERS PRESENT: Mike Ahern (Chair), John Randlett (Vice Chair), John Kelly, Bob Dragon (Alternate), Steven Rhodes, Bill Bolton (BOS Representative) and Rebecca Hanson (Conservation Commission Representative).

OTHERS PRESENT: Sharon Penney, Community Planner

ABSENT/EXCUSED: Jack Scarborough, Steve Whitman (Alt)

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 seated member.

GENERAL PUBLIC COMMENTS:
None

ADMINISTRATIVE MATTERS:

- **CONTINUATION of PUBLIC HEARING from January 20, 2015 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:**
 - Before Mr. Mike Ahern opened the public hearing, he stated that each person has three minutes to speak. If citizens want to address the issue beyond this amendment, the college has a College Community Council which meets on February 12, 2015 at 4:30 pm at the town hall. He opened the public hearing at 6:35 p.m.
- **In Favor:**
 - Ms. Lynn Mitchell, who lives on 5 Keeble Street, supports the warrant article because she believes the registration will help ensure that rental units are established, meet the codes and regulations of the town.
 - She supports the warrant article because she believes that there has been a failure to get landlords to comply to the town's ordinances and in result, property

values have decreased, and also the conversions of single family homes to multi-family households is happening too much.

- Mrs. Mary Crowley asked the Planning Board: did the Town Attorney John Ratigan approve the warrant article? Community Planner Sharon Penney stated that he did approve the article's language only, not the article itself.

- **In Opposition:**

- Ms. Annie Schneider does not support the warrant article because she thinks that the townspeople need to accept that the world has changed and homes being subdivided are normal today. Secondly, Mrs. Schneider thinks that the warrant article is discriminatory and targets students and landlords.
- Mr. Charlie Barker, who lives on 25 High Street, does not support the registration fee, but he does support the registration action because it might help the enforcement of existing ordinances.
- Ms. Kim Lamb, who lives on 10 Bell Road, opposes the warrant article because it targets students and professors.
- Mr. Zachary Stoppe does not support the warrant article because he does not believe the registration will stop unruly student behavior and that the town already has information from landlords. He also thinks that the registration is discriminatory and an enforcement problem instead of an ordinance issue.
- Mr. John Harnois, who lives on 3 Pearl Street, opposes the warrant article because he does not like the registration fee and he thinks the registration is discriminatory because only the landlords are charged a fee. He suggests that the townspeople should talk to the students because it might be a simple fix. Ms. Sharon Penney reminded everyone that the amendment was created by public petition and not the planning board.
- Mr. Nick Mason opposes the warrant article because it does not specify whether it is for downtown rentals or all student rentals. He asked if you're a student living on US Route 3 by the Tenney Mountain Highway, would the landlord have to pay a fee for that rental? Ms. Penney stated that the landlord would have to pay a fee if the rental is in the zoning area described by the amendment. He'd like if the warrant article addressed if it is an annual fee or a one-time fee.
 - Mr. Ahern clarified that the warrant article applies to all landlords in the town in the mentioned zones.
- 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. She believes that the town is already equipped and does not need the registration, and she does not like the fee.
- Mr. Frank Miller opposes the warrant article because he does not think another ordinance will control student actions, but he does believe that police enforcement would be helpful.
- Mr. Don Weigl asked if the warrant article applies to all of the zones? Ms. Penney stated it affects all listed, except the Agricultural, HC and ICD Zones. He believes that the warrant article is vague and it will not improve the issues that residents have.

- **General Nature:**

- Dr. Kevin Young supports the warrant article and wonders what can be done to enforce the ordinances. Mr. Ahern mentioned that at the beginning of the meeting, they decided it was not the appropriate time to have the police address the petition. Ms. Penney noted that the Board of Selectmen felt it was not the appropriate venue to meet with the police and code enforcement officer and that their signatures on the petition indicated their support of the amendment.

- Mrs. Mary Crowley asked the Planning Board: ordinances vary based on zone, so the Agricultural Zone does not depart from the petition because it is not listed in the warrant article? Ms. Penney stated that every zone has a formula based on dimensional requirements and other criteria including the table of uses. However, some requirements are not required in certain zones. Rental housing is allowed in the Agricultural Zone if the requirements are met. Ms. Crowley also asked: when the Select Board meets to discuss the fee requirements, can the meeting be made public? Mr. Bill Bolton stated that the meetings will be made public.
- Ms. Mitchell asked the Planning Board: is there a current zoning ordinance that allows the Zoning Enforcement Officer to inspect single-family homes in the town? Ms. Penney stated that if it is a single-family home, then it will be addressed by the police or fire department under the guise of health and safety, unless it is an overt violation, such as an occupancy violation. Ms. Penney stated that the registration is a tool that might help the inspection process.
- Ms. Schneider still finds the warrant article discriminatory because it targets rental units.
- Mr. Miller believes that the Board of Selectmen has the authority to supply the police department so it can enforce the codes.
- Mr. Ahern closed the public hearing at 7:29pm.
- Mr. John Randlett stated that the article will be on the ballot and whether the Planning Board supports it. It cannot be changed. 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. Bill Bolton thinks the registration will be a useful tool for the town government and police station because it will supply them with important data.
- 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. However, Mr. Bolton thinks otherwise and thinks RSA 540 accommodates the creation of the registration tool.
- Mr. Steve Rhodes asked that if the warrant article is passed, then another town employee would have to be hired. Mr. Bolton and Ms. Penney said no.
- Mr. Ahern still believes that the warrant article targets landlords, but the Planning Board can only recommend its approval and it will be on the ballot regardless.
- Mr. Bill Bolton made a motion; seconded by Mr. John Kelly. Four voted in favor of recommending approval (Bolton, Hanson, Kelly, Randlett), three against (Ahern, Rhodes, Dragon). Ms. Penney asked for a show of hands on the voice vote. The warrant article is recommended by the Planning Board, 4 to 3.

CORRESPONDENCE:

None

NEW BUSINESS:

- **Change of Agenda for Planning Board work session on February 5, 2015.**
 - Ms. Tara Branford cannot come to the meeting, but she will be at the next work session which is March 5th.
- Mr. John Kelly asked: what is happening behind McDonalds? Mr. Ahern said that Riverside Landing LLC came before the Planning Board last year and were approved to do site development only. However, they cannot build any structures without coming before the planning board for an additional site plan review.
- The Board of Selectmen will not be meeting on Thursday, February 5, 2015.

UNFINISHED AND OTHER BUSINESS:

None

Public Comments:

None

ADJOURNMENT:

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

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