



**TOWN OF PLYMOUTH
ZONING BOARD OF
ADJUSTMENT
PLYMOUTH TOWN HALL
PLYMOUTH, NH 03264**

**July 1, 2014
FINAL 9-2-14**

Members Present:

Patrice Scott (Chair), Butch Cushing, Freeman Plummer, Howard Burnham, Omer C. Ahern Jr.

Others Present:

Sharon Penney

Call to Order and Roll Call:

- Patrice Scott opened the meeting at 7:00pm and took roll call of the members present.

Minutes from June 3, 2014

- Patrice Scott made mention of a sentence not making sense under the second bullet point. She also noted a misspelling of "their" on the second page, second bullet point up.
- Howard Burnham noted a correction on the second page, fourth bullet point up, he made mention that it should be stated that they are not taking kindergarten students at this time. He also mentioned on the third page fourth bullet point down that septic was mentioned in addition to the well.
- Freeman Plummer made a motion to accept the minutes as corrected, seconded by Omer C. Ahern Jr. All in favor.

Public Hearing Opened

1. **Application 109-014 SE 07-01-14:** An application from Alan Quinney, 22 Drummer Trail, Laconia, NH 03246 seeking a Special Exception for ground floor residential use in the Village Commercial District on PID 109-014 at

Zoning Board of Adjustment Meeting Minutes July 1, 2014

174 Main Street. This application seeks relief from Article III, Section 304.1 Table of Uses the *Plymouth Zoning Ordinance*.

- Alan Quinney spoke in regards to his application. He stated that he purchased the property back in 2010. Since the purchase several renovations have been made to the building, however, he realizes this is not the best location for a restaurant, being located further north of the village/commercial zone. Due to these factors, he would like to turn the restaurant portion into another apartment. He noted that he does not do student rentals. All residents have to sign a one year lease and leave a damage deposit equal to one month's rent. He would like to turn the space into a three- bedroom apartment and believes this would be a better use for the space and area.
- Howard Burnham asked how many bedrooms in the other apartments.
- Alan Quinney noted that on the 3rd floor has a 1 bedroom apartment. The second floor has a large 2 bedroom apartment. The back apartment has 2 bedrooms. The final apartment is off the kitchen and has 1 bedroom.
- Howard Burnham asked if this would increase it by 3 more people, making a total of 9 people in the building.
- Alan Quinney stated that this is correct. He would rent it in the same manner as now. He would require a 1 year lease from each person. He made a map of the parking area to show that there is adequate space. The back parking lot has space for 7 vehicles and the elevated parking lot has space for 4 vehicles. The side of the building has space for 5 vehicles to park with adequate space for vehicles to drive by.
- Howard Burnham asked if the fence that is noted is his fence.
- Alan Quinney stated that the detailing business beside his building is right on the property line.
- Howard Burnham asked about the plowing.
- Alan Quinney stated that they have someone plow and if there is a heavy snow, his plow company will come and remove the snow banks as they run out of space for the snow storage.
- Omer C. Ahern Jr. noted that if they put bunk beds in, they could conceivably have 6 tenants.
- Howard Burnham noted that could not happen. This could only happen if the apartment was rented to a family, otherwise it can only be three people if they are unrelated. The maximum capacity of the building is 15 if unrelated. He also mentioned that the property is on the market.
- Alan Quinney noted that this will be coming off the market in September as it has been on too long. He did note that anyone that looked at it was not interested in the commercial part just the residential aspect.
- Patrice Scott verified with the applicant that the property has town water and sewer.
- Freeman Plummer asked if there will be a kitchen in the apartment.
- Alan Quinney stated there will be one kitchen and a large bathroom for the tenants to share. He stated there is a real need for non-student housing.

- Omer C. Ahern Jr. stated he is not against the three bedroom unit. His concern is for winter and the snow piling up in that area. He stated he is concerned if someone was to buy the property that they would not be as neighborhood friendly as Alan Quinney.
- Alan Quinney did show the Board where he has extra space to push back the snow. He stated they did real well keeping up with the snow this last winter.
- Patrice Scott asked what the tenants do with their cars while they are plowing.
- Alan Quinney stated that he has a good relationship with Plymouth Furniture and the detailing business and they told him as long as it is after hours, his tenants could park their cars there while their spaces are being plowed.
- Howard Burnham stated there has always been a problem in this area. He managed buildings in this area in the past and they hired someone to remove snow as well.
- Sharon Penney verified the parking spaces required per the Zoning Ordinance 304.1, 1204.3 and he would need 10 parking spaces. She also stated that if this application is approved it would have to go through a site plan review as well due to the change in use.
- Alan Quinney stated that he has 15-16 parking spaces.
- Patrice Scott thanked Sharon Penney for mentioning the 1204.3 section of the Zoning Ordinance. She also noted to Alan Quinney her concern of having signs in the windows for renting the apartments.
- Alan Quinney stated he has never and will never advertise the renting of the apartments in this manner.
- Patrice Scott asked if anyone in the audience would like to speak in favor or opposition to the application. A lady in the audience representing the church council of the abutting Church of the Holy Spirit stated she was in favor. There was no opposition and all abutters were duly notified.
- Sharon Penney stated she received a call from another council member of the Church of the Holy Spirit. They felt the change would be for the better due to the cessation of the sale of alcohol at the restaurant in the building.

Public Hearing Closed

- Patrice Scott closed the Public Session and moved to deliberative session.
- Butch Cushing stated he agreed with Howard Burnham's concerns about someone buying the property and not being as neighborhood friendly as Alan Quinney.
- Howard Burnham stated they should not make this part of their decision as this has happened in the past as well.

Findings and Fact

- Lack of street parking for commercial use.
- Long term established use as residential apartment.
- Loss of nearby businesses in this section of town.
- Lot has town water/sewer connections.

- Facility will be set back from the road.
- Plenty of parking for proposed use.
- Providing alcohol at the former restaurant increased incidents in the area.

Special Exceptions Criteria

1204.2 Special Exceptions

A. The Board of Adjustment may, in appropriate cases, and subject to safeguards as determined by the Board, grant a permit for a special exception. The Board, in acting on an application, shall take into consideration the following conditions:

1. The proposed use(s) shall be only those allowed in this Ordinance by Special Exception. **True-all.**
2. The specific site is an appropriate location and of adequate size for the use. **True-all.**
3. The use, as developed, will not adversely affect the character of the area in which the proposed use will be located. **True-all.**
4. There will be no nuisance or serious hazard to vehicles or pedestrians. **True-all.**
5. The use will not place excessive or undue burden on Town services and facilities. **True-all.**
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. **True-all.**

Conditions of Approval

- Howard Burnham made a motion to approve the special exception as presented, seconded by Freeman Plummer. All in favor.

Unfinished Business

- Howard Burnham stated his concern of conditions not being followed on Merrill Street and would like this addressed.

New Business

None

Adjournment

- Omer C. Ahern Jr. made a motion to adjourn, seconded by Freeman Plummer. All in favor.
- Patrice Scott adjourned the meeting at 7:40pm.

*Respectfully Submitted,
Lisa Vincent*