



Town of Plaistow, New Hampshire
145 Main Street, Plaistow NH 03865
Phone: (603) 382-8469

ZBA Minutes 01/29/15

ZONING BOARD OF ADJUSTMENT January 29, 2015

The meeting was called to order at 7:06 p.m.

Roll Call: Larry Ordway, *Chair, Excused*
Timothy Fisher, *Vice Chair*
James Allen
Paul Boniface
Peter Bealo, *Alternate*
Martha Sumner, *Alternate*

T. Fisher appointed P. Bealo and M. Sumner as a voting members for this meeting.

Approval of Minutes

T. Fisher moved, second by P. Bealo, to approve the minutes of the January 08, 2015 meeting. There was no discussion on the motion. The vote was 4-0-1 (Bealo Abstaining).

#15-01: A request from Daniel W. Reynolds for a variance from Article III, §220-9.1 to allow a driveway to be placed 3 inches from the property line, where 25 feet is the minimum required. The property is located at 4 Sunrise Terr, Tax Map 14, Lot 18 in the LDR District. The property owner of record is Reynolds Family Rev Trust, Daniel W. Reynolds, TR.

Dan Reynolds, 4 Sunrise Terrace, was present for the application. He noted the following for the Board:

- The adjacent lot used to be combined with the subject property, but has since been separated and sold
- The driveway for the subject property was located on the adjacent property
- He tried to get an easement to be able to park on the driveway, but was only given an access easement to cross
- There is a small parking area in front of the basement door
- He would like to enlarge the parking area to provide more accessibility, particularly for emergency vehicles

There was discussion about the existing parking conditions. It was noted that the current parking area is very small.

T. Fisher read Article III, §220-9.1 and noted that the requested variance was for 24' 9" which is quite substantial.

D. Reynolds noted that he would like it (the new park of the parking area) to line up with the

current driveway.

J. Allen asked if they were still using the existing driveway.

D. Reynolds reiterated that he does have an easement to pass over the existing driveway and the abutters were being very nice about it.

J. Allen questioned where snow would be stored.

D. Reynolds responded that it would be pushed straight back off the new parking area as there would be nothing blocking it.

J. Allen questioned if any structures such as a carport (Quonset hut) would be put up in the new parking area.

D. Reynolds replied that there would not.

P. Bealo asked if there was a shed on the property.

D. Reynolds answered that there was one in the back of the property.

T. Fisher read a request from the Building Inspector that a certification, stamped by a licensed surveyor be a condition of the variance, if it is granted. It was suggested that the deadline of May 1, 2015 to submit the certification might be appropriate in light of the current weather.

D. Reynolds noted that he didn't want to have to do that. He noted that he would probably use all the way to the property line.

There was discussion of the fact that if a variance is granted the parking area will have to be maintained at a distance of three (3) inches from the property line. It was also noted that a surveyor's certification is a routine request in the case of a variance.

T. Fisher asked if there was anyone speaking in favor of, or in opposition to the application. There was no one and the matter was closed.

DELIBERATIONS:

#15-01: A request from Daniel W. Reynolds for a variance from Article III, §220-9.1 to allow a driveway to be placed 3 inches from the property line, where 25 feet is the minimum required. The property is located at 4 Sunrise Terr, Tax Map 14, Lot 18 in the LDR District. The property owner of record is Reynolds Family Rev Trust, Daniel W. Reynolds, TR.

T. Fisher summarized the application noting the following:

- The application is to install a driveway three (3) inches from the property line
- The applicant cited safety concerns as a reason for the request
- The area would only be used for parking cars, no structures
- There is an access easement over the abutting property for use of the driveway, but not for parking vehicles
- The situation was created when previously combined lots were separated and the abutting lot was sold

The Board reviewed the criteria for the granting of a variance noting the following:

- There is no real public interest in this residential driveway. The only affected party is the direct abutter, who already is bound by an access easement
- The extended driveway for parking is not as intrusive on the abutter as the existing driveway is
- Denying the variance could cause an emergency access concern with vehicles having to park in front of doors
- Surrounding property values will not be diminished as vehicles will have a place to park and not be parked in the street
- The hardship is that there is currently no place to safely park multiple vehicles

P. Bealo moved, second by M. Sumner, to grant the application for a variance at 4 Sunrise Terrace as noted in the legal notice, with the following condition:

- ***The applicant must submit a certification of the location of the driveway by May 1, 2015. That certification must be stamped by a licensed land surveyor.***

There was no discussion on the motion. The vote was 5-0-0 U/A

Other Business

- It was noted that the application forms have been updated to reflect the current criteria
- The dates for both the Town and School Deliberative Sessions were noted.

The meeting was closed at 7:32 p.m.

Respectfully Submitted,

Dee Voss
Administrative Assistant