



Town of Plaistow
ZONING BOARD OF ADJUSTMENT
145 Main Street - Plaistow, NH 03865

ZONING BOARD OF ADJUSTMENT
August 31, 2017

The meeting was called to order at 7:00 p.m.

Roll Call: Peter Bealo, *Chair*
Tim Fisher, *Vice Chair*
Joyce Ingerson
Dan Lloyd
John Blinn, *Alternate, Excused*

The Pledge of Allegiance was led by J. Ingerson

Review of Minutes

★ T. Fisher moved, second by D. Lloyd, to approve the minutes of the July 27, 2017 meeting. There was no discussion on the motion. The vote was 4-0-0

P. Bealo noted that there was only a four (4) member board for this meeting. He noted that all motions must have three (3) votes to the affirmative to pass. He offered the applicant the option to continue until such time as there would be a five (5) member board.

The applicant was cautioned that should he decide to move forward with the application and is denied, he cannot use the lack of a five (5) member board as a reason to request a re-hearing. The applicant chose to move forward with his request.

#17-07: A request from Stephen Vizard for a special exception under Article X, All Sections to permit a home occupation, namely an office for an online sporting goods business. The property is located at 25 Hale Spring Rd, Tax Map 53, Lot 21 in the MDR District. The property owner of record is Donna Rodwell Vizard.

It was noted for the record that written authorization from the property owner to allow the application had been received.

Donna Vizard, property owner and Stephen Vizard, applicant for 25 Hale Spring Road, were present for the application.

S. Vizard explained that he would like to run an online store from his house. He noted that he would sell firearms, camping and hunting equipment as well as other sporting goods for sale on his website. He added that there would be little to no inventory kept at his home as everything would be drop shipped to his customers.

The Board reviewed the requirements for the granting of a home occupation as outline in Article X of the Zoning Ordinances, noting the following:

- The applicant is allowed to have a home occupation under §220-66C
- There is nothing noxious or injurious by emission of dust, noise, fumes or vibrations associated with the online sales business
- There will be no fluctuation in electrical current related to the home occupation
- The home occupation will be located in a single-family dwelling with owner's permission
- The home office will occupy 16% of the living space as shown on the floor plan submitted by the applicant
- The online business will not change the residential character of the residence
- There is no exterior storage
- The applicant does not intend to have a sign at this time
- There are no other employees for the business
- There will not be any outside display
- This is an online business and there will be no customer traffic to the home
- Any deliveries will be in keeping with the normal deliveries for a residential dwelling
- There is no business/commercial vehicle so the applicant will be compliant with §220-13
- There are no covenants in the deed to prevent a home occupation
- This is not a condominium, so permission from a condo association is not necessary
- This will be the only home occupation at this residence.

P. Bealo explained that the home office is subject to random inspection by the Code Enforcement Official.

It was noted that it is the responsibility of the applicant to renew the home occupation every three (3) years and that no notices will be sent.

P. Bealo asked if the Board had any questions.

J. Ingerson questioned if there would be any merchandise located on the property.

D. Vizard replied that there would not and reiterated that all merchandise is dropped shipped directly to the customer.

P. Bealo asked if the Board had any additional questions, there were none. He asked if there was anyone speaking in favor of or in opposition to the application for a home occupation at 25 Hale Spring Road. There was no one and the matter was closed.

P. Bealo explained the deliberations process.

DELIBERATIONS:

★D. Lloyd moved, second by T. Fisher, to approve the request for special exception for a home occupation at 25 Hale Spring Rd, as stated in the legal notice.

P. Bealo offered that all the criteria for the granting of a Special Exception for a home occupation and he didn't see any reason not grant the application.

There was no further discussion and the vote was 4-0-0 U/A.

The Zoning Board of Adjustment will also consider an amendment to the *Zoning Board of Adjustment By-Laws, §220, Attachment I, section titled Meetings* that will change the start of their meeting time from 7:00 p.m. to 6:30 p.m. This is posting #1 of two (2) required postings to amend the By-Laws.

P. Bealo asked if the Board had any questions regarding the proposed change in meeting start time. There were none. He asked if there were any members of the public with questions or comments on the proposed change in meeting start time. There was no one.

P. Bealo announced that this change would be posted for a second public hearing, as is required by the Board's By-Laws.

P. Bealo asked the viewing public to consider serving on the Zoning Board.

There were no additional matters before the Board. The meeting was adjourned at 7:24 p.m.

Respectfully Submitted:

Dee Voss
Administrative Assistant