



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

ZONING BOARD OF ADJUSTMENT
January 25, 2018

The meeting was called to order at 6:30 p.m.

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

Jonathan Gifford, 148 Main St, was observing for the meeting. Jonathan will be appointed as a new member in March.

★J. Blinn was appointed as a voting member

Review of Minutes from October 26, 2017 meeting.

★D. Lloyd moved, second by T. Fisher to approve the minutes of the October 26, 2017 meeting. There was no discussion on the motion. The vote was 3-0-1 (Fisher abstaining).

#18-01: A request from Jason Settineri for a variance from Article V, §220-32I to permit a 30' x 50' equipment storage structure to be constructed 22.9' from the property line, where 50' is the minimum allowed setback. The property is located at 73 Newton Road, Tax Map 68, Lot 12 in the ICR district. Casset Holdings, LLC is the property owner of record.

It was noted that a written request for a continuance was received regarding matter #18-01. The need for an additional variance request was identified so the applicant has decided to have both heard at the same time.

★P. Bealo stated that matter #18-01 was continued to February 22, 2018 and that no additional notification of the matter would be made.

P. Bealo explained that public hearing process. He noted that the applicant would be allowed to make their presentation, then the Board will ask any questions they may have. Any abutters or other interested parties will have the opportunity to ask questions, speak in favor of the application, or against it. Then the applicant will have the opportunity to answer any questions and/or address any concerns.

It was noted that there are only four (4) voting members available for this meeting. It was explained to the applicant that any motion of the Board must be passed by at least three (3) votes in the affirmative. The applicant was given the opportunity to continue their public hearing to the next meeting in hopes of there being a five (5) member board. It was also noted to the applicant that should he decide to move forward at this meeting, and does not prevail, the lack of a five (5) member board could not be used as a reason to request a re-hearing. The applicant decided to proceed with the four (4) member board.

#17-09R: A request from Nicholas Giangarra for a Special Exception under Article X, all sections to permit a Home Occupation, namely an office for a wholesale car dealership. The property is located at 103 Forrest St, Tax Map 60, Lot 54 in the LDR District. The property owner of record is Christian Giangarra.

Nicholas Giangarra, 103 Forrest St, was present for the application. He noted that his application was to have an office for a wholesale auto dealership. He noted it was only for paperwork and that there would not be any vehicles for sale on the property.

The Board reviewed the requirements for the granting of a home occupation special exception (Article X) with the applicant, noting the following:

- The applicant is seeking his home office under §220-66A
- There would not be any uses that would be noxious or injurious.
- There would not be any electrical fluctuations.
- The owner is a tenant with written permission from the property owner.
- The business use will be conducted within 13% of the living space.
- There are no changes proposed to the property that would change the residential character.
- There will be a sign as that is part of NHDOT (New Hampshire Department of Transportation) requirements. The sign will comply with the Zoning Ordinance requirements.
- There will not be any merchandize display or sale of vehicles on the property.
- There is sufficient off-street parking for Mr. Giangarra. No clients/customers will be coming to the home.
- There are no additional employees.
- No deliveries, other than normal residential parcels, are anticipated.
- There are no covenants in the deed to prevent a home occupation.
- This is not a condominium unit.

The applicant was informed that should he prevail there can only be one (1) home occupation per dwelling unit.

P. Bealo asked if the Board had any questions.

J. Blinn asked if the applicant will be selling the vehicles online.

N. Giangarra noted that he already was working from a retail location on Route 125. This office was to give him some additional flexibility.

J. Blinn reaffirmed that there would not be any vehicles displayed for sale at the residential address. It was confirmed.

P. Bealo asked if there was anyone speaking on favor of, or in opposition to, the application. A member of the gallery noted that all her questions had been answered.

P. Bealo asked the applicant if he had anything else he would like to share with the Board. He did not and the matter was closed.

DELIBERATIONS

★ D. Lloyd moved, second by T. Fisher to approve the application for a special exception for a home occupation at 103 Forrest St as noted in the legal notice.

P. Bealo recapped the application and offered that it appeared to fit all the parameters and would be an innocuous use.

J. Blinn added that the use was nothing more than an office.

There was no additional discussion on the motion. The vote was 4-0-0 U/A.

There were no additional matters before the Board. The meeting was adjourned at 6:55 p.m.

Respectfully Submitted:

Dee Voss
Administrative Assistant