



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

ZONING BOARD OF ADJUSTMENT
February 22, 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, was observing for the meeting.

★J. Blinn was appointed as a voting member

Review/Approval of Minutes

Review of Minutes from January 25, 2018 was deferred to the end of the meeting.

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.

#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.

Jason Settineri, Casset Holdings, LLC was present for the application

J. Settineri noted the following information for the Board:

- The existing shed building is currently located in the setback
- The existing shed building is in disrepair and would be taken down for the new building
- The business needs additional storage
- The building is proposed as a single-story structure, approximately 1500 sf in size
- The proposed building will be new construction which will be safer and more in keeping with the character of the neighborhood
- He has had conversations with the abutters to inform them of the proposed plan
- There have been extensive upgrades made to the interior of the building to promote a clean, safe and friendly environment
- The installed new parking lot lights for the safety of employees in the building as well as customer who may come to businesses in the building. When they were told that the lights were too bright and pointed in the direction of traffic they turned them to point more downward

- The Integrated Commercial-Residential (ICR) District is a unique area with both commercial and residential co-existing
- Equipment storage is a permitted use in the ICR District (§220-32G)
- Because of the location of the septic system, fire lane, and the well there is no other place to put a new storage building
- The building has +/- 62 parking spaces, which are frequently filled
- The proposed building will be clapboard siding, asphalt roofing and will have one center-located overhead door

T. Fisher questioned if the metal storage containers currently located on the other side of the parcel could be eliminated with the new building. It was confirmed that they would be.

J. Settineri noted the following answers to the variance criteria:

- The proposed structure will not affect the public interest as it is a permitted use in the ICR District. It will be replacing an existing, non-conforming, deteriorating building, so it will be more aesthetically pleasing. The proposed structure will be less intrusive to the property setback than the existing one.
- The proposed structure is not contrary to the spirit and intent of the ordinance as it is a permitted use in the district. The proposed structure will not change the nature or character of the business operations on the property. There will be no access from the back of the building, all loading/unloading will be from the front of the building.
- There is substantial justice in the granting of the variance as the current structure is already located in the setback and the proposed structure will be less of an intrusion. The proposed structure will allow for better operation by the business owner while alleviating an existing eyesore.
- The proposed building will not diminish the surrounding property values as it will be a quality-built structure and more aesthetically attractive. The proposed structure will add value to the property, which will increase market value of this and the surrounding properties.
- The hardship in the land is the location of existing structures, such as the septic, fire lanes, well and the loss of parking spaces if forced to bring the structure into compliance. The current structure, also located in the setback does not meet the needs of the growing company and is an eyesore. It doesn't make economic sense to try and fix the existing non-compliant building. The proposed structure will be better constructed and more aesthetically pleasing. It was noted that the next closest structure to the proposed location was more than seventy-five (75) feet.

D. Lloyd asked what would be stored in the building.

J. Settineri replied that there would be ladders, large fans, a forklift and like equipment.

J. Blinn asked what was currently stored in the metal containers located on the site.

J. Settineri responded that it was materials from job sites. He added that it was hoped to get rid of the metal containers with the new storage building. He noted a number of exterior improvements they had made to the property including better lighting and picnic areas for the tenants.

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.

Gretchen Cerasuolo, 71 Newton Rd, asked what kind of noises there would be with equipment being moved in and out of the building and at what hours.

J. Settineri noted that their hours of operation are 7:00 a.m. to 5:00 p.m. and the only noise other than normal vehicle traffic may be the occasional back-up beeper on the forklift. He added that if any abutter had any noise concerns he would invite them to contact him directly.

G. Cerasuolo asked if there would be additional lighting that would cross into her yard.

J. Settineri answered that there wouldn't be any that affected her property. He again noted that if there was a concern any abutter could reach out to him and he would address it. He offered that they had adjusted some of the lighting at the tenants' request for additional lighting over safety concerns.

P. Bealo noted that there was a procedural item that should have been addressed prior to the applicant making his presentation.

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.

#18-02: 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 47' 4" from the front 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.

J. Settineri noted that this application was very similar to the first application but was for a different setback dimension. The previous application was for the rear setback, this was for the front setback. He added that the proposed structure would be less into the front setback than the existing structure.

It was explained that because this property fronts on two (2) streets (Newton Road and Corliss Hill Road) it is considered to have two (2) front and two (2) rear property lines. This application is for the setback from Corliss Hill Road.

It was noted that all the criteria for the rear setback application were applicable to this front setback application for all the same reasons as previously stated.

J. Settineri reiterated that if approved, the existing, non-compliant, dilapidated structure would be razed in favor of a new construction, better functioning, more aesthetically appealing building.

It was also noted that should the variances be approved the applicant will still have to apply to the Planning Board to amend the site plan for the new structure's location.

P. Bealo asked if there were any additional questions from the Board. There were none. He 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:

★ T. Fisher moved, second by D. Lloyd to approve the variance application for the rear setback at 73 Newton Road as noted in the legal notice.

P. Bealo noted that he sees the existing shed every day and he agrees that it is an eyesore.

J. Blinn offered that other than the existing shed the property is clean and well maintained.

T. Fisher added that he could see where a more attractive structure would increase the property value affecting the surrounding properties in a positive way.

P. Bealo noted that there was no perfect place to put the structure.

J. Blinn added that a storage structure location wasn't considered when the property was initially built.

T. Fisher noted that the fire lanes needed to remain open for access.

The Board considered the criteria for the granting of a variance with the following findings:

- The proposed building would be replacing an unattractive building, and metal storage containers that were far closer to the abutter, and replacing them with a newer building. Which would not be contrary to the public interest
- The existing building is already located further in the setback than the proposed building, making it more compliant with the spirit and intent of the ordinance
- The replacing of an old, worn down building with new construction will not have a negative effect on the surrounding property values and may actually help those values
- The hardship is that there isn't a viable alternative location for the structure. To not allow the structure would constraint the growth of the business
- There is no harm to the public that would be greater than the injustice to the applicant by not granting the variance

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

★ T. Fisher moved, second by D. Lloyd to approve the variance application for the front setback (Corliss Hill Road side) at 73 Newton Road as noted in the legal notice.

P. Bealo noted that all the reasons for granting the rear setback variance were applicable to the granting of the front setback variance. It added that the structure was intended to be placed even further back from the road than the existing structure.

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

#18-03: A request from Michael Hanides and Jeffrey Senter, Jr. for a special exception under Article X, all sections, for a home occupation, namely and office for a plumbing and heating company. The property is located at 20 Old Road, Tax Map 29, Lot 39 in the MDR District. Jeffrey J. Senter, Jr. is the property owner of record.

Jeffrey Senter, Megan Senter and Michael Hanides were present for the application.

M. Senter explained that she was a stay-at-home mom, but also helped with the plumbing and heating business that was run by J. Senter and M. Hanides. She noted that the business operations at the home would essentially be a laptop and printer in the corner of one of the bedrooms. She

added that if the business were to expand it would be taken out of the residence. Pictures were submitted to the Board.

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 §220-66C
- There would not be any uses that would be noxious or injurious.

It was questioned if there would be anything flammable on site. The applicant noted that they do carry small amounts of MAP gas on their truck and they do use an acetanyl torch.

- There would not be any electrical fluctuations.
- The applicant is the property owner
- The business use will be conducted within 20% of the living space.
- There are no changes proposed to the property that would change the residential character.
- No sign is proposed at this time
- There will not be any merchandize display or sale of vehicles on the property.
- There is sufficient off-street parking for. 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. There were none. The applicant was asked if they had any additional information to provide the Board. They did not. P. Bealo 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

★ J. Blinn moved, second by T. Fisher to approve the application for a special exception for a home occupation at 20 Old Road 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.

D. Lloyd added that it was a classic home occupation application.

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

Review/Approval of Minutes

It was noted that T. Fisher was marked as excused for the January 25, 2018 meeting but in fact was at the meeting.

★ D. Lloyd moved, second by J. Blinn to approve the minutes of the January 25, 2018 meeting as amended. There was no discussion on the motion. The vote was 4-0-0.

There were no additional matters before the Board. The meeting was adjourned at 7:22 p.m.

Respectfully Submitted:

Dee Voss
Administrative Assistant