



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

**ZONING BOARD OF ADJUSTMENT**  
**April 26, 2018**

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

**Roll Call:** Peter Bealo, *Chair, excused*  
Tim Fisher, *Vice Chair*  
Dan Lloyd  
John Blinn, *excused*  
Jonathan Gifford  
Gary Ingham, *Alternate*

★ *G. Ingham was appointed as a voting member for this meeting.*

**Review/Approval of Minutes**

★ *T. Fisher moved, second by D. Lloyd to approve the minutes of the March 29, 2018 meeting as amended. There was no discussion on the motion. The vote was 4-0-0 U/A.*

T. Fisher noted that there were only four (4) members available to vote at this meeting. He noted that any motion made by the Board must have three (3) votes to the affirmative to be passed. He also noted that the applicant could request a continuance until there is a five (5) member board. It was also noted the should the applicant continue with the four (4) member board and their application is denied, that cannot be used as grounds to request a re-hearing.

**Request to withdraw application:**

**#18-09: A request Nelson Mendoza for a Variance from Article XX, §220-138 to allow a personal service for dog training, which is not a permitted use in the district. The property is located at 333 Main St, Tax Map 10, Lot 10 in the RCII District. Nelson Mendoza and Karina Gutierrez are the property owners of record.**

It was announced that application #18-09 had been withdrawn at the request of the applicant.

**#18-07: A request from Justin Hartmann and Jessica Soares, for a Variance from Table 220-32I to allow a shed to be placed within five (5) feet of the property line where 25 feet is the minimum. The property is located off 2A Sunrise Terrace, Tax Map 14, Lot 17-1 in the LDR District. The applicants are the property owners of record.**

Justin Hartmann and Jessica Soares were present for the application.

J. Hartmann explained that he would like to place a 10' X 14' storage shed five (5) feet from the fence on his rear property line. He noted the following in support of his application:

- If the shed were to be placed at the 25-foot minimum it would be on a slope where his septic system is located
- The property has frontage on two (2) streets and the setback from each of those property lines is thirty-five (35) feet
- He has spoken with his abutters and they would prefer the shed to be located where he is proposing so as not to interfere with their driveway access/egress views

The Board discussed potential alternate placements with the applicant. It was noted where there were slopes and the location of the septic made those location not suitable.

G. Ingham asked if any of the abutters submitted written support of the application. It was noted that there were no letters either in support or opposition.

J. Hoffman offered the following replies to the criteria for the granting of a variance:

- The request will not be contrary to the public interest because it will be placed at the rear of the property, next to a six (6) foot tall fence, farthest from plain view
- The spirit and intent of the ordinance because the shed will not impede on the surrounding properties and will be next to the fence and screened from view
- There will be substantial justice in granting the variance by providing additional storage for the lawn tractor, snow blower and tools
- Surrounding property values will not be decreased because the shed will add value to the home, will be professionally installed and will be attractive as it will match the home's appearance in character
- Literal enforcement of the ordinance will cause unnecessary hardship because the applicant will not be able to store items and will need to leave them outside to be subject to the elements and in plain sight.

T. Fisher 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. There was no one and the matter was closed.

T. Fisher explained the deliberations process, noting that there could be no additional input; decisions would be mailed within ten (10) days and no permits could be issued for thirty (30) days.

#### DELIBERATIONS:

**★D. Lloyd moved, second by T. Fisher to grant the application for a setback variance at 2A Sunrise Terr as stated in the legal notice.**

T. Fisher summarized the application noting the following:

- The application is for a variance from the minimum 25-foot rear setback to be five (5) feet from the property line
- There are challenges with slopes and the septic system that prevent the shed from being to slide to the left
- The property has two fronts with greater setback requirements
- There were no abutters present to oppose the application
- The applicant noted that the shed would be designed to match the house and would be professionally installed

The Board reviewed the variance criteria with the following findings:

- The application is not contrary to the public interest because of the limitations presented by the property. Anywhere the shed could be placed would require a variance. The shed will be professionally designed and installed
- The application is not contrary to the spirit and intent of the ordinance because there are limitations in the size and shape of the lot. The proposed location of the shed will not be intrusive to any of the abutters.
- There is substantial justice in allowing the variance because to not do so would expose the neighbors to the unappealing view of the equipment being stored outside.
- The surrounding property values will not be diminished as a shed is a common residential outbuilding and this one will be professionally installed so it will be done properly.
- There is a hardship in the land with the shape and size of the parcel and the limitations of the location of the septic and slopes. There is additional hardship in that the lot has two (2) fronts with greater setbacks. Anywhere a shed could be placed on the property would require variance relief.

It was noted that this is a “funky” lot and the applicant has picked the best and least intrusive, yet functional placement for the shed.

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

**#18-08: A request from William M. Sideri, Jr for a Special Exception from Article X, All Sections to permit a Home Occupation, namely and office for a plumbing business. The property is located at 37 Pollard Road, Tax Map 50, Lot 61 in the MDR District. Robert and Charlotte Kippin are the property owners of record.**

William and Katherine Sideri were present for the application. It was noted that written permission from the property owner had been received.

W. Sideri offered that he would like to get a home occupation for his plumbing business, mostly so that he can put a sign in his front yard.

J. Gifford asked if the sign would be luminated. It was confirmed that it would not.

The Board and the applicant went through the criteria for granting a special exception under Article X noting the following:

- The applicant’s business qualifies for a home occupation under §220-66.C

- There is nothing noxious, injurious, of offensive to the neighborhood about the applicant's business
- There will be no fluctuations to create visual or audible interferences
- The use is in a single-family dwelling with owner's written permission
- The business use will be conducted inside the dwelling and will occupy +/- 3% of the dwelling space
- The business will not change the residential character of the dwelling or the property
- There will only be one (1) sign and the applicant will obtain the proper permit for the sign
- There are no other employees
- There will not be any outdoor merchandise display
- There is off street parking for the residents
- There will not be any business deliveries to the property
- The only business vehicle is a pick-up truck
- There will not be anything flammable stored in the vehicle
- There are no covenants in the deed to prevent a home occupation
- This is not a condominium
- This will be the only home occupation on the property

The applicant was reminded of the inspection and home occupation renewal process.

T. Fisher 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. There was no one and the matter was closed.

#### DELIBERATIONS:

***★D. Lloyd moved, second by J. Gifford to grant the application for special exception for a home occupation at 37 Pollard Road as stated in the legal notice.***

T. Fisher noted that all the criteria for a home occupation appeared to be met. He added that the sign will be worked out with the Department of Building Safety.

***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 7:02 p.m.

Respectfully Submitted:

Dee Voss  
Administrative Assistant