



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

ZONING BOARD OF ADJUSTMENT
July 26, 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
Jonathan Gifford
Gary Ingham, *Alternate*

Review/Approval of Minutes

★ *T. Fisher moved, second by D. Lloyd, to approve the minutes of the June 28, 2018 meeting. There was no discussion on the motion. The vote was 3-0-2 (Fisher and Lloyd abstaining).*

#18-13: A request Peter M. Doucet for an Variance from Article V, §220-32I to permit a structure, namely a garage, to be within 15 feet of the rear and 15 feet from the side property line, where 25 feet is the minimum required for each setback. The property is located at 4 Crane Crossing Road, Tax Map 44, Lot 44 in the LDR District. The applicant is the property owner of record.

Peter Doucet, 4 Crane Crossing Road, was present for the application. He provided the Board with pictures and drawing and noted the following about his application:

- He would like to construct a garage on his residential property
- There are issues with the way his lot is laid out
- The front yard is not suitable as that is where the septic is located
- Fifteen (15) from the right side of the parcel is a natural ridgeline, which will hide the view of the garage from the neighbors
- If the garage is moved closer to the house to comply with the setback it will diminish the use of his already small backyard
- The back of the property is wooded and private
- The location of the well was noted

The Board reviewed the submitted pictures which shows the existing conditions on the property. There was discussion regarding the neighbors and what they would see if the garage were to be built. It was noted that the abutters sit lower than this property and all the most the abutters would see would be the roofline.

- The existing trees are intended to remain

There was discussion regarding the structure. It was noted that the garage would be built on a slab and would not be built into the ridge. It was noted that the garage would be set 60-70 feet back from the road. There was discussion about Fire Department access if the garage were built too close to the house.

Mr. Doucet reviewed the criteria for the granting of a variance noting the following for the Board:

- The proposed variance will not be contrary to the Public Interest because it will not negatively impact the abutting properties. The natural ridge line and tree line at the rear boundary will allow the proposed building to nestle into the natural landscape
- The Spirit and Intent of the Ordinance is preserved because even through the setbacks would be reduced, there is still sufficient distance between the proposed garage and the abutter's dwellings. The proposed garage would not obstruct views or interfere with the abutter's property in any way
- There is Substantial Justice in granting the variance because it will allow the applicant to continue to improve and organize storage on his property. Additionally, it will allow the applicant to maintain the spacious and open front yard and preserve the smaller back yard for recreational use. This will not only benefit the applicant, but create a more aesthetically pleasing view for the abutters.
- The Values of Surrounding Properties will not be Diminished because the garage as proposed will not block views or compromise abutter's privacy. The building will be situated to blend into the surrounding. It may even have the effect of enhancing surrounding values.
- Literal enforcement of the provisions of the ordinance would result in Unnecessary Hardship because the applicant's efforts to improve his entire property but having to sit the garage elsewhere would diminish the property's aesthetic appeal and/or virtually eliminate the back yard.

P. Bealo asked if the Board had any additional questions.

J. Gifford offered that he had visited the property and could see where the ridgeline drop could be an issue.

T. Fisher noted that the location made sense given the access to the back of the property.

P. Bealo added that if the garage were brought further forward it would be closer to the abutter's house.

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.

P. Bealo explained the deliberation process, noting that there could not be any additional input provided by any interested party. He noted that the notice of decision would be mailed within ten (10) days. No permits can be issued for thirty (30) days to allow for the appeal period under the NHRsAs.

DELIBERATIONS:

★ T. Fisher moved, second by D. Lloyd, to grant the variance for the property located at 4 Crane Crossing as notice in the legal notice.

Discussion:

J. Gifford offered that he felt this application was a "no brainer" as the applicant was trying to improve his property and the proposed location for the garage makes the most sense.

T. Fisher added that the applicant was limited by the 0.5Ac restrictions of his property.

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

- The requested variance is not contrary to the Public Interest as it will allow the applicant to improve his property, which is in the public's interest. There is no negative impact to the Public Interest
- The Spirit and Intent of the ordinance is preserved as there will not be any negative impacts to the abutters and the applicant did push the structure back as far as was practical
- If the variance were denied there would be no gain to the neighbors, only a loss to the applicant. Therefore, there is Substantial Justice in granting the variance
- Granting the variance will not Diminish Surrounding Property values, only increase the value of the applicant's property
- The Hardship is in the size of the lot and the positioning of the existing structures on the lot.

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

#18-12: A request Jay C. Davey for an Appeal from an Administrative Decision of the Enforcement Officer to allow for further discussion regarding the applicant's "current situation and financial ability to comply as wanted, as quickly as wanted." The subject property is 71 Plaistow Road, Tax Map 27, Lot 36 in the CI District. The property owner of record is Joseph C. Davey, IV

P. Bealo called for representation for this matter three (3) times without response. The matter is now considered withdrawn and the applicant will have to re-apply if he chooses to move forward.

OTHER BUSINESS

D. Voss noted that the Board's By-Laws have not been reviewed in some time and provisions needed to be updated regarding re-notification in the event of a canceled meeting. The By-Laws will be reviewed at a future meeting.

There were no additional matters before the Board. The meeting was adjourned at 6:35 p.m.

Respectfully Submitted:

Dee Voss
Administrative Assistant