



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

ZONING BOARD OF ADJUSTMENT
May 26, 2016

The meeting was called to order at 7:03 p.m.

Roll Call: Peter Bealo, *Chair*
Timothy Fisher, *Vice Chair*
James Allen, *Absent*
Dan Lloyd
Joyce Ingerson

The Pledge of Allegiance was led by Peter Bracci, Plaistow Selectmen.

Approval of Minutes

★ T. Fisher moved second by D. Lloyd to approve the minutes of the April 28, 2016 meeting. There was no discussion on the motion. The vote was 4-0-0 U/A.

PUBLIC HEARING:

#16-02: A request from Brian Walsh for a special exception under Article X, All Sections, to permit a home office for a business that services and repairs production equipment. The property is located at 20 Smith Corner Rd, Tax Map 53, Lot 40 in the MDR District. The property owners of record are Brian and Lisa Walsh.

Brian Walsh was present for the application.

B. Walsh noted the following information for the Board:

- He had recently moved to Plaistow from Massachusetts
- He would like an office in his home for his business
- His business is diagnosing and repairing problems with production equipment

J. Ingerson asked Mr. Walsh to explain the type of equipment he works on

B. Walsh replied that some of his customers include such businesses as Pepsi and Poland Spring. They call him when equipment, such as their bottling line, goes down. He then goes to their facility, plugs in a laptop to diagnose the problem either fixes the issue and/or tells them how to make repairs.

J. Ingerson questioned if the home occupation would just be an office, it was confirmed that it would be.

T. Fisher asked where spare part inventory was maintained.

B. Walsh responded that he keeps parts in his van or gets them from a supply house.

T. Fisher asked where replaced parts were disposed.

B. Walsh replied that they are disposed of at the customer's site.

The Board reviewed the criteria in Article X for the granting of a home occupation noting the following:

- The application qualifies as a home occupation under §220-66A or C, either category seemed appropriate
- There would be no uses that could be considered noxious or injurious by emission of dust, noise, vibration, or cause electrical fluctuation
- The office use would be +/-7% of the living space
- The dwelling is owner-occupied
- The residential use was established prior to the business use
- The residential character of the dwelling will not change
- There will not be any exterior storage, all needed parts are stored in the applicant's van
- The applicant is not planning to have a sign. He does not have a lettered vehicle
- There are no employees other than the applicant's wife who assists with bookkeeping
- There will not be any outside display of merchandise
- There is no need for off street customer parking as no clients come to the house
- Any deliveries that might be made would come by UPS or FedEx keeping with normal residential delivery processes
- There is only one business vehicle
- There are no vehicles greater than a one-ton capacity associated with the business
- Nothing hazardous will be stored on the site
- There are no restrictions in the deed
- This is not a condominium so no additional authorization is needed
- This is the only home occupation in this dwelling unit

P. Bealo explained that should the home occupation be approved that the home office is then subject to inspection by the Code Enforcement Officer. He also noted that the home occupation must be renewed every three (3) years.

P. Bealo explained that there was an oversight prior to beginning this public hearing. He noted that there were only four (4) members of the Board present. He explained that significance of less than five (5) members for voting procedures and offered the applicant the chance to continue his public hearing.

The applicant was cautioned that should he continue and his request is not granted by the Board he could not use the lack of a full board as a reason for a rehearing. The applicant chose to move forward.

P. Bealo asked if there was anyone speaking in favor of or opposition to the application. There was no one and the matter was closed.

The deliberation and notification of the decision process was explained.

DELIBERATION:

#16-02: A request from Brian Walsh for a special exception under Article X, All Sections, to permit a home office for a business that services and repairs production equipment. The property is located at 20 Smith Corner Rd, Tax Map 53, Lot 40 in the MDR District. The property owners of record are Brian and Lisa Walsh.

★ D. Lloyd moved second by T. Fisher to approve the application for a home occupation at 20 Smith Corner Road as noted in the legal notice.

All members noted that this was a straightforward home occupation application. They noted that they were satisfied with the answers to their questions and they saw no issues with the application.

There was no additional discussion on the motion. The vote was 4-0-0 U/A and the special exception for a home office for a production equipment repair business, at 20 Smith Corner Road, was granted.

Other Business

Members were reminded of upcoming training on June 4, 2016 in Concord.

P. Bealo noted the Town's Memorial Day Activities, including the parade, for Monday, May 30.

There were no additional matters before the Board.

The meeting was adjourned at 7:24 p.m.

Respectfully Submitted,

Dee Voss
Administrative Assistant