



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

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**  
**October 29, 2020**

The meeting was called to order at 6:33 PM

Peter Bealo, Chair, read the following:

The Plaistow Zoning Board of Adjustment, due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically, and these reasons shall be reflected in the minutes.

Please note that there is no physical location to observe and listen contemporaneously to the meeting which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order we are confirming that we are:

a) Providing public access to the meeting by telephone:

Members of the public wishing to attend this meeting electronically may call the following conference call number 1 (562) 247-8422 Access Code: 900-532-276

b) Additional public access by video or other electronic means will be available as follows:

We are utilizing the GoToWebinar platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during the meeting through the GoToWebinar platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting by clicking on the following webinar address <http://plaistowaccess.com/zb-remote>

c) Providing public notice of the necessary information for accessing the meeting

Legal notice was sent to all abutters for each application and was published in the Eagle Tribune newspaper, with information on how to access the meeting.

d) Providing a mechanism for the public to alert the public body during the meeting that a member of the public wishes to speak or be recognized during any public comment or public hearing.

The GoToWebinar platform has both a "raise your hand" and Q & A feature that allows attendees to alert that they have a question. Please note that all questions submitted through the Q & A feature must contain your address and will be read into the record.

e) Other access to the meeting: The meeting will also be broadcast on Plaistow Access Cable Channel 17 and will be livestreamed on the town website at [www.plaistow.com](http://www.plaistow.com).

f) In the event that the public is unable to access the meeting via conference call or GoToWebinar, the meeting will be adjourned and be rescheduled at a later time.

**Roll Call:** Peter Bealo, *Chair – attending remotely, no others present*  
Dan Lloyd, *Vice Chair - attending remotely, no others present*  
John Blinn - *attending remotely, no others present*  
Jonathan Gifford - *attending remotely, no others present*  
Gary Ingham - *attending remotely, no others present*  
Jim Unger, *Alternate - attending remotely, no others present*  
Barb Burri, *Alternate - attending remotely, no others present*

**Also attending remotely:** Dee Voss, *Administrative Assistant, no others present*

★ *There were 5 voting members present for this meeting.*

#### **Review and Approval of Minutes from September 24, 2020 Meeting**

★ *D. Lloyd moved, second by G. Ingham to approve the minutes of the September 24, 2020 meeting. There was no discussion on the motion. Roll Call Vote: P. Bealo – yes; D. Lloyd – yes; J. Blinn – abstaining; J. Gifford – yes; G. Ingham – yes. The vote was 4-0-1 and the minutes were approved.*

#### **PUBLIC HEARINGS:**

P. Bealo noted that all applications scheduled for this meeting were Special Exceptions for Home Occupations (Article X). He offered that he was only going to read the list of requirements a single time, and would ask the applicants to address any questions the Board may have about compliance with the ordinance.

**#20-28: A request from Kristen Andrews for a Special Exception under Article X, all sections, to permit a home occupation, namely a one-chair beauty parlor. The property is located at 6 Sunview Park, Tax Map 44, Lot 66 in the MDR district. Brian and Kristen Andrews are the property owners of record.**

It was noted that a one-chair salon is a permitted home occupation under §220-66.B

Kristen Andrews, 6 Sunview Park, was present remotely for the application. She noted that following with regards to the application for a home occupation:

- There is a sunroom off the kitchen that gives enough room for a one-chair salon
- There is a separate entrance for the clients to access the sunroom
- Appointments will be on a weekly basis
- The salon location is 8% of the living space

- It was also noted that there were no issues with the deed

P. Bealo asked how chemicals commonly used in a salon, such as acetone, might be disposed.

K. Andrews responded that she had consulted with a septic company who assured her there would be no issues with disposal, provided the septic system was pumped annually.

P. Bealo noted that it looked like the driveway would allow for two (2) parked cars, with two (2) more in the garage. He added that with a single-chair salon there wouldn't likely be more than two (2) cars anyway.

K. Andrews offered that her driveway could fit four (4) parked vehicles.

D. Lloyd questioned whether there was a walkway to the deck entrance, expressing concern over winter access.

K. Andrews replied that the front door could be used in bad weather. She also noted that she has a \$3M insurance policy for her business.

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 for a home occupation. D. Voss confirmed that there were no "raised hands" from the remote access audience.

P. Bealo explained the procedure for deliberations, noting that once the public hearing is closed there can be no additional input from anyone outside of the Board. He asked once again if there was anyone wishing to speak or if the applicant wish to add anything. It was again verified that there were no "raised hands" and the matter was closed for deliberations.

#### DELIBERATIONS:

**★D. Lloyd moved, second by J. Gifford, to grant the Special Exception under Article X for a one-chair salon at 6 Sunview Park, Tax Map 44, Lot 66, with the following condition(s):**

- ***The Home Occupation Permit must be renewed every three (3) years through the Department of Building Safety.***

P. Bealo offered that he thought this was an open and shut case, there was plenty of room, plenty of driveway, the home occupation takes up less than 1/3 of the allowable percentage of living space per the ordinance.

There was no additional discussion on the motion.

***Roll call vote: D. Lloyd – yes; J. Blinn – yes; J. Gifford – yes; G. Ingham – yes; P. Bealo yes. The vote was 5-0-0 U/A.***

**#20-29: A request from Mark Gioia, for a Special Exception under Article X, all sections, to permit a home occupation, namely and office for a construction business. The property is located at 23 Elm St, Tax Map 41, Lot 79 in the VC District. Mark and Kimberly Gioia are the property owners of record.**

Mark Gioia, 23 Elm Street, was present remotely for the application and noted the following for the Board:

- The use would be for a small office for his business
- There is one trailer, that is never left on the property. It's either on the job site or stored at his brother's property
- His brother is a partner in the business
- This is a side business for him and his brother as they each have full-time jobs

P. Bealo applauded the applicant for going through the proper procedures to establish a home occupation. He noted that too often those who operate from their home try to squeak through without doing the right thing.

- It was noted that the home occupation will take up +/- 1% of the living space
- There will not be any customers to the home
- The driveway provides parking for eight (8) cars
- The only items in the yard are personal and are what are used for the home
- There are no issues in the deed
- The applicant will not be needing a sign. It was noted that they could apply for a permit for one in the future if that changed

J. Gifford offered that he didn't see any issues with the application, there was nothing going to happen at the property.

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 for a home occupation.

D. Voss confirmed that there were no "raised hands" from the remote access audience.

P. Bealo asked if the applicant had anything else to add. He did not and the matter was closed for deliberations.

#### **DELIBERATIONS:**

***★ G. Ingham moved, second by J. Blinn to grant the Special Exception under Article X for an office only for a construction business at 23 Elm Street, Tax Map 41, Lot 79, with the following condition(s):***

- *The Home Occupation Permit must be renewed every three (3) years through the Department of Building Safety.*

P. Bealo offered this was a classic home occupation application and meets all the criteria. He added that the application was just trying to get a business going.

J. Blinn agreed with P. Bealo's earlier acknowledgement that it was nice to see applicants who do the right thing, even though this is just a very small business.

There was no additional discussion on the motion.

**Roll call vote: J. Blinn – yes; J. Gifford – yes; G. Ingham – yes; P. Bealo yes; D. Lloyd – yes. The vote was 5-0-0 U/A.**

**#20-30: A request from Robert Ouellet for a Special Exception under Article X, all sections, to permit a home occupation, namely an office for a construction management business. The property is located at 12 Lynwood St, Tax Map 18, Lot 9 in the LDR District. Robert E. and Christine M. Ouellet are the property owners of record.**

Robert Ouellet, 12 Lynwood Street, was present remotely for the application. He noted that following for the Board:

- His application was different than the previous one as he was downsizing his business after twenty (20) years and moving the administrative functions to his home
- There would be no customers or need for storage
- The office would be for administrative functions, a basic mailing address for taxes, insurance and vehicle registration
- There is adequate parking
- There are no restrictions in the deed

P. Bealo asked if the Board had any questions for the applicant; there were none. He asked if anyone was speaking in favor of or in opposition to the application.

D. Voss noted that she had received an email from Kimberly Raymond and Elaine Schultz, property owners of 7 Lynwood with the following questions:

I have a question for this evenings meeting regarding Robert Ouellet's application to operate a home office for his construction management company out of the property located at 12 Lynwood Street that he and wife own, but do not reside in.

It's public knowledge that Robert (Bob) has been operating his business office out a portion of this building for many years now, so is this a new and additional business he will be operating at that location?

Is there a limit on the number of home businesses someone can operate from a location?

Finally, is there a reason Robert Ouellet is listed as an abutter? Has 12 Lynwood Street transformed into something other than a two-family dwelling unit? And if so, when did that occur?

D. Voss noted that Mr. Ouellet is not listed as an abutter in the application, but that his name and address are listed on the same list as the abutters as he must also receive notification of the public hearing under the RSAs the same as an abutter would.

P. Bealo asked if Mr. Ouellet had any other home occupations.

R. Ouellet responded that he did not. He added that his property was a legal two-family and that his parents lived on the first floor. He noted that because it is his parents on the first floor, the home tends to function more as a single-family, but it's still a two-family dwelling.

P. Bealo asked if Mr. Ouellet resides in the home.

R. Ouellet replied that he lives on the second floor, but also has a second house in Kittery, Maine where he spends much of the summer. He added that his business address for the last thirty (30) years has been at 52 Beech Street in Haverhill, Massachusetts, which is where his equipment is stored and the office was run out of the back of the garage.

D. Voss noted that a subsequent email from Ms. Raymond had arrived noting that they were not necessarily opposed to the application, just had some questions.

P. Bealo asked if there were any additional questions from the Board, there were none. He asked if there were anyone else speaking in favor of, or opposition to, or with additional questions. D. Voss confirmed there were no additional emails, nor any "raised hands" in the remote access. The matter was closed for deliberations.

#### DELIBERATIONS:

**★ J. Gifford moved, second by D. Lloyd to grant the Special Exception under Article X for an office only for a construction business at 12 Lynwood Street, Tax Map 18, Lot 9, with the following condition(s):**

- The Home Occupation Permit must be renewed every three (3) years through the Department of Building Safety.**

J. Gifford offered that he saw the application as another slam dunk, there was plenty of space, and parking, no customer, no outside storage.

There was no additional discussion on the motion.

***Roll call vote: J. Gifford – yes; G. Ingham – yes; P. Bealo yes; D. Lloyd – yes; J. Blinn – yes. The vote was 5-0-0 U/A.***

**OTHER BUSINESS:**

**2021 Application Deadline and Meeting Schedule**

The Board reviewed the application deadline and meeting schedule for 2021.

***★ P. Bealo moved, second by G. Ingham, to approve the 2021 application deadline and meeting schedule for January 2021 to January 2022. There was no discussion on the motion. The vote was 5-0-0 U/A.***

Term Expirations:

D. Voss noted that the appointment terms of the following members will be expiring at the end of March 2021:

- Peter Bealo
- John Blinn
- Jonathan Gifford

It is hoped that all will consider continuing their service to the Board.

There was no additional business before the Board and the meeting was adjourned at 7:27 PM

Respectfully Submitted:

Dee Voss  
Administrative Assistant