



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

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
January 28, 2021

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.

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 (arrived 7:01 pm)*
Jonathan Gifford - *excused*
Gary Ingham - *attending remotely, no others present*
Jim Unger, *Alternate - Absent*
Barb Burri, *Alternate – Excused*

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

Review and Approval of Minutes from January 7, 2021 Meeting

★ *G. Ingham moved, second by D. Lloyd to approve the minutes of the January 7, 2021 meeting. There was no discussion on the motion. Roll Call Vote: P. Bealo – yes; D. Lloyd – yes; G. Ingham – yes. The vote was 3-0-0 UA.*

PUBLIC HEARINGS:

#21-01: A request Leoncio Polanco for a special exception under Article X, all sections, to permit a home occupation, namely a janitorial/office cleaning business. The property is located at 108 Forrest St, Tax Map 60, Lot 45 in the LDR District. The applicant is the property owner of record.

There was no one representing matter #21-01 online at the time the application was called. The matter was deferred to the end of the meeting in hopes that someone will log into the meeting.

#21-02: A request from Federated Realty Five, LLC for a variance from Article V, §220-32I, to permit a structure to be located within 12' of the property line (north side) where 35' is the minimum required. The property is located at 49 Plaistow Road, Tax Map 26, Lot 67, in the C1 District. The applicant is the property owner of record.

Charlie Zilch, of SEC & Associates, was present remotely to represent the applicant.

P. Bealo noted that there were only three (3) voting members present for this meeting and added that would mean to pass any motion would require the vote to be unanimous. He offered that the applicant could request a continuance without to the next meeting in hopes that there would be 5 voting members available. P. Bealo added that should they

continue it is at their own peril, and should the application fail they could not use the lack of a five-member Board as grounds to request a re-hearing.

C. Zilch conferred with his client offline and then requested that the two matters for 49 Plaistow Road (21-02 and 21-03) be continued to the next meeting.

P. Bealo stated that both 21-02 and 21-03 were continued to the February 25, 2021 meeting.

#21-03: A request from Federated Realty Five, LLC for a variance from Article V, §220-32I, to permit a structure to be located within 21' of the property line (Garden Rd side) where 35' is the minimum required. The property is located at 49 Plaistow Road, Tax Map 26, Lot 67, in the C1 District. The applicant is the property owner of record.

#21-01: A request Leoncio Polanco for a special exception under Article X, all sections, to permit a home occupation, namely a janitorial/office cleaning business. The property is located at 108 Forrest St, Tax Map 60, Lot 45 in the LDR District. The applicant is the property owner of record.

Leoncio Polanco, 108 Forrest St, was present remotely for the application. There were difficulties with Mr. Polanco's microphone. D. Voss used her personal cell phone to contact the applicant, then put him on speakerphone so he could communicate with the Board.

Since Mr. Polanco wasn't present during the explanation of the three-member board it was repeated for his benefit. He was also given the opportunity to request a continuance, but he decided to move forward with his application.

P. Bealo noted that he would be using a newly created home occupation checklist for this application

It was noted that the Zoning Officer had provided a zoning letter confirming that this use would be permitted as a home occupation under §220-66.C of Article X.

The following was noted in support of the request for special exception:

- The business use will not change the residential character of the business
- There are no restrictions in the deed
- The applicant will not be requesting any signage
- There is no one, other than the applicant and his wife who will be working for the business at the home
- There will not be any hazardous chemicals stored at the home
- The applicant does not yet have any clients, but his intention is to focus on business customers, where he would be able to leave cleaning supplies and equipment on-site, instead of bringing them back to the home

- The business use was to be located in the basement and is reported to occupy +/- 18% of the living space, which is well within the 25% allowed

L. Polanco explained that he's has a great deal of experience in this field and it has always been a dream of his to own his own company.

P. Bealo asked if there were any questions from the Board, there were none. He asked if there was anyone speaking in favor of the application.

Joseph Soucise noted that he was present (remotely) for the two applications that had been continued, but that Mr. Polanco seemed like a hard working gentleman and that he thought the Board should grant his request.

It was noted that there was no one else present remotely with a "hand raised" and there were no emails received.

P. Bealo asked if there was anyone speaking in opposition. It was noted that there was no one present remotely with a "hand raised" and there were no emails received. And the Public Hearing was closed.

DELIBERATIONS:

★ D. Lloyd moved, second by P. Bealo to grant the request from Leoncio Polanco for a Home Occupation, under Article X, all sections to allow janitorial/cleaning service at 108 Forrest St, Tax Map 60, Lot 45.

Discussion:

It was noted that this is a classic home occupation request.

G. Ingham questioned if the motion should specifically state "office," but it was noted that a home occupation would only allow an office use in this case.

Roll call vote: D. Lloyd – yes; G. Ingham – yes; P. Bealo - yes. The vote was 3-0-0 UA

OTHER BUSINESS – BY-LAW AMENDMENTS:

P. Bealo noted that the Board has all received copies of the proposed by-laws changes and asked if there were any questions. There were none. It was noted that the first reading, of the required two readings, would be at the February 25, 2021 meeting.

OTHER BUSINESS – EMAIL:

P. Bealo noted an email that had been sent to all Board members and asked for their concurrence that would allow him to re-send it to the Board of Selectmen as a whole.

J. Blinn arrived at 7:01

The Board, by consensus, agreed to P. Bealo's request.

OTHER BUSINESS – NH STATE LEGISLATIVE CHANGES

P. Bealo noted that an email had been sent to the Board that described some proposed State of NH Legislative changes and that he had highlighted those of interest to this Board.

One of particular note, was the requirement that all voting members of any land use board must reside in the municipality in which they serve. Previously they only had to be residents when they were elected or appointed, so if they moved out of town mid-term, they would still be eligible to sit on a board and vote until the end of their term.

There was also another bill that would allow advertisements for public hearings to be posted on websites instead of in a newspaper of local circulation, which could be a significant cost savings to a municipality.

OTHER BUSINESS – DELIBERATIVE SESSION:

It was noted that Deliberative Session would be held on Saturday, February 1, 2021 at the Public Works Garage, 144F Main Street.

There was no other business before the Board and the meeting was adjourned at 7:06 pm