



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

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**  
**August 26, 2021**

The meeting was called to order at 6:30 pm

**Roll Call:** Peter Bealo, *Chair, excused*  
Dan Lloyd, *Vice Chair, excused*  
John Blinn  
Jonathan Gifford, *excused*  
Gary Ingham, *Acting Chair*  
Jim Unger, *Alternate*  
Barb Burri, *Alternate*  
Michael Murray, *Alternate, excused*

**Also attending:** Dee Voss, *Administrative Assistant*

★ *J. Unger and B. Burri were appointed as a voting members for this meeting.*

**Minutes of June 24, 2021**

★ *B. Burri moved, second by J. Unger, to approve the minutes from the July 29, 2021, meeting as written. There was no discussion on the motion.*

***Roll Call Vote: G. Ingham – yes; J. Blinn – abstain; J. Unger – yes; B. Burri – yes. The vote was 3-0-1 and the motion passed.***

G. Ingham explained the process the Board uses for hearing and deciding (deliberating) on each application. He also noted that all motions are routinely made in the “to grant” format, but that is not indicative of how any member, including the one making the motion, might vote. G. Ingham added that notices of decision will be sent within five (5) business days, but that no permits will be issued for thirty (30) days in order to allow for any appeals (requests for re-hearing) as per the NH RSAs

G. Ingham noted that there were less than five (5) board members present. He explained that all motions to grant relief must get at least three (3) affirmative votes to pass. It was also noted that the applicants would have the right to continue to the next meeting in hopes that there will be a five (5) member board and that if they decided to move forward at this meeting and their application was denied, the lack of a five (5) member board could not be grounds to request a re-hearing. He asked if anyone wanted to continue to next month. Both applicants decided to move forward at this meeting.

## **PUBLIC HEARINGS:**

**#21-15: A request from Ricelio Ferreira for a special exception under Article X to permit a home occupation, namely an office for a construction management business. The property is located at 4 Rustic Lane, Tax Map 52, Lot 66 in the MDR Zoning District. The property owners of record are Ricelio and Patricia Ferreira.**

Ricelio Ferreira, 4 Rustic Lane, was present for the application.

R. Ferreira explained that he wasn't an actual construction manager, he installed granite countertops. He offered that he has a shop in Peabody, MA, but his wife, who also works for the business, works from home to watch the kids. He added that he also wanted to move the business license and insurance to New Hampshire.

The Board reviewed the criteria under Article X for the granting of a variance with the following findings:

- The business use will be secondary to the residential use
- The business qualifies for a home occupation under §220-66.C (tradesman)
- The business will not be injurious, noxious, or offensive to the neighbors by reason of emission of odor, fumes, dust, smoke, vibration, or noise
- This proposed business use is within a single-family dwelling
- The applicant is the property owner
- The proposed business use will only occupy 7% of the living space
- The proposed business use will not change the residential character of the dwelling or the property
- The applicant is not proposing to have a sign at this time, but it was noted that should they want to in the future it was restricted to three (3) square feet, could not be illuminated, and requires a permit
- The applicant's wife does work for the business, but there are no additional employees not living on the property employed on the premises
- There will not be any outside merchandize displayed
- There is sufficient off-street parking, though customers do not routinely come to the property
- There are no expected large business-related deliveries
- The applicant has a business vehicle. It was noted to him that he cannot have more than two (2) business vehicles on the property, nothing greater than a one-ton capacity. It was also noted that if he has more than one, the second vehicle must be screened. Mr. Ricelio did note that there were construction vehicles on the property at present as he was working on his house.
- There will not be any flammable, noxious or dangerous materials stored in the vehicle
- There are no covenants in the deed that would prevent a home occupation
- This is not a condominium unit
- This will be the only home occupation for this property
- The applicant has submitted all required documentation for the application.

G. Ingham also noted that should the special exception be granted the property was subject to inspection by the Code Enforcement Officer. It was also noted that the Home Occupation Permit would need to be renewed every three (3) years, and it was the permit holder's responsibility to know when that is, as no reminder is sent.

G. Ingham asked if the Board had any questions, there were none. He asked if there was anyone speaking in favor of, or in opposition to, the application for a home occupation. There was no one. It was also noted that no emails had been received prior to the meeting, and the public hearing was closed.

### **DELIBERATIONS:**

***★ J. Unger moved, second by J. Blinn, to grant the request from Ricelio Ferreira for a Home Occupation, under Article X (ten), all sections to allow an office for a construction management business at 4 Rustic Lane, Tax Map 52, Lot 66.***

#### **Discussion:**

It was noted that this is a straightforward request for a home occupation and all the criteria of the special exception were met.

J. Blinn noted that he had been by the property and found it to be well kept.

It was also noted that the wife was the only other employee working on the property.

There was no further discussion on the motion.

***Roll call vote: J. Blinn – yes; J. Unger – yes; B. Burri – yes; G. Ingham – yes. The vote was 4-0-0 U/A.***

**#21-16: A request from Patrick Gamble, for a variance from Article V, Table 220-32I to permit a shed to be located within three (3) feet of the side property setback where 15' is the minimum required. The property is located at 2 Ingalls Terrace, Tax Map 42, Lot 41, in the MDR zoning district. The property owners of record are Patrick T and Elise D. Gamble.**

**#21-17: A request from Patrick Gamble, for a variance from Article V, Table 220-32I to permit a shed to be located within one (1) foot of the rear property setback where 15' is the minimum required. The property is located at 2 Ingalls Terrace, Tax Map 42, Lot 41, in the MDR zoning district. The property owners of record are Patrick T and Elise D. Gamble.**

Patrick Gamble, 2 Ingalls Terrace, was present for the application.

P. Gamble explained that he would like to install a 10' X 10' wooden shed to protect some outdoor equipment. He noted that he had spoken with the primary abutter, who told him that

they didn't have an issue with the shed placement. P. Gamble also noted that there is a fence and that he would paint the shed, so it looked nice.

P. Gamble offered the following responses to the variance criteria:

- The proposed variance would not be Contrary to the Public Interest because it allows for a shed location that is uniform with the property line and will keep outside equipment out of sight
- The Spirit and Intent of the Ordinance are preserved because it encourages a clean and uniform environment for the neighborhood and the neighbors do not have any objections
- There is Substantial Justice in Granting the variance because it allows the homeowner to expand their property's footprint and improve the function of the property
- The Values of Surrounding Properties will be not Diminished because it is a storage shed that increases the aesthetic value of the neighborhood because the tools will not be left outside
- Literal enforcement of the provisions of the ordinance would result in an Unnecessary Hardship because if the applicant does not get the shed it will prevent outdoor equipment from being safely stored

J. Blinn asked if the location of the septic interfered with the placement of the shed.

P. Gamble noted that the septic was along the Route 121A (Main St) side of the property, and he didn't want to put the shed on top of that.

J. Unger offered that it was more private and out of the way in the proposed location.

G. Ingham added this was another example of the small lots in Plaistow.

G. Ingham asked if the Board had any additional questions, there were none. He noted that there was no one in the audience to speak in favor or in opposition to the application. It was confirmed that no emails or letters had been received regarding this application.

The applicant noted that the answers are the same for their second application.

### **DELIBERATIONS:**

Matter #21-16

***★ B. Burri moved, second by G. Ingham to grant the request for a variance from Article V, Table 220-32I to allow a shed to be placed no closer than three (3) feet to the side property line at 2 Ingalls Terrace, Tax Map 42, Lot 41 with the following condition:***

- ***The property owner shall provide the Department of Building Safety with certification by a licensed land surveyor as the final location of the shed***

### **Discussion:**

G. Ingham noted it is less obtrusive in the back corner than it would be if it were on Main Street. There was no comment from any abutters and the fence shielded it from them.

The Board reviewed the criteria for the granting of a variance with the following findings:

- Granting the variance is not contrary to the Public Interest as evidenced by the lack of comment from the neighbors
- The Spirit and Intent of the Ordinance are preserved because this is a small lot and there is no other practical place to place the shed that wouldn't be sticking out like a sore thumb
- There is Substantial Justice in granting the variance as the public would experience a loss if the shed were placed in view of Main Street and to have equipment outdoors would be an eyesore
- There would be a hardship to the family if the shed had to be put in the middle of the backyard, or if there wasn't a shed at all
- Property Values would not be diminished by a backyard shed that keeps the yard neat, clean, and safe.

There was no further discussion on the motion.

***Roll Call Vote: J. Unger – yes; B. Burri – yes; G. Ingham – yes; J. Blinn – yes. The vote was 4-0-0 U/A.***

Matter #21-17

***★B. Burri moved, second by J. Blinn, to grant the request for a variance from Article V, Table 220-32I to allow a shed to be placed no closer than one (1) foot to the rear property line at 2 Ingalls Terrace, Tax Map 42, Lot 41 with the following condition:***

- ***The property owner shall provide the Department of Building Safety with certification by a licensed land surveyor as the final location of the shed.***

Discussion:

It was the consensus of the Board that the findings for the variance criteria for this application would be the same for the first application.

***Roll Call Vote: B. Burri – yes; G. Ingham – yes; J. Blinn – yes; J. Unger – yes. The vote was 4-0-0 U/A.***

There was no additional business before the Board and the meeting was adjourned at 6:59 p.m.

Respectfully Submitted:

Dee Voss  
Administrative Assistant