



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

**ZONING BOARD OF ADJUSTMENT**  
**MEETING MINUTES**  
**March 31, 2022**

The meeting was called to order at 6:30 pm

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

**Also attending:** Dee Voss, *Interim Zoning Official, Administrative Assistant*

★ *M. Murray was appointed as a voting member for this meeting.*

P. Bealo explained the process the Board uses for hearing and deciding (deliberating) on each application. P. Bealo 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

P. Bealo noted that there were four (4) voting members at this meeting and explained the impact that could have on voting to grant any application. It was also noted that the lack of a five (5) member Board could not be grounds to request a re-hearing should the applicant decide to move forward with their application and not prevail.

**Minutes of January 27, 2022**

★ *P. Bealo moved, second by G. Ingham, to approve the minutes from the January 27, 2022, meeting as written. There was no discussion on the motion.*

**Roll Call Vote:** P. Bealo – yes; J. Gifford – yes; G. Ingham – yes; M. Murray – yes. The vote was 4-0-0 U/A.

**Reorganization and Membership**

★ *G. Ingham moved, second by J. Gifford, to nominate P. Bealo as chair of the Zoning Board of Adjustment. There were no additional nominations. The vote was 3-0-1 (Bealo abstaining).*

**★ J. Gifford moved, second by P. Bealo, to nominate D. Lloyd as vice chair of the Zoning Board of Adjustment. There were no additional nominations. The vote was 4-0-0 U/A.**

It was noted that there were three (3) members whose terms were expiring. All had been/were asked if they would like to be re-appointed to the Board and all agreed.

**★ P. Bealo moved, second by G. Ingham, to recommend to the Board of Selectmen that D. Lloyd and G. Ingham be reappointed as members and J. Unger as an alternate member of the Zoning Board of Adjustment, all for three (3) year terms. There was no discussion on the motion. The vote was 4-0-0 U/A.**

### **PUBLIC HEARINGS:**

**#22-05: A request from Amanda Portillo for a special exception under Article X, all sections, for a home office for a food service business. The property is located at 101 Newton Road, Tax Map 69. Lot 57 in the ICR Zoning District. The property owners of record are Melsi Danoli Portillo and Amanda P. Portillo.**

Property owners Amanda and Melsi Danoli Portillo were present for the application.

A. Portillo confirmed that they would be moving forward with the application despite there only being four (4) board members present. She explained that there would not be any food preparation or storage on the premises, but she needed the home office to register her food truck. Ms. Portillo also explained that they had use of a commissary kitchen in Amesbury, MA.

P. Bealo asked what kind of food they would offer.

A. Portillo noted that it would be “Mexican with a South American flair” noting that Mr. Portillo was from Honduras, and they had both been in the food service industry for many years.

The applicant gave the following responses to the criteria for a home occupation under Article X:

- The business use will be secondary to the residential use
- The business qualifies for a home occupation under §220-66.C (self-employed)
- 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 +/-12% 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 a permit would be required
- There are no additional employees not living on the property employed on the premises
- There will not be any outside merchandize displayed
- This is a food truck business, and no customers would be coming to the property

- There are no expected large business-related deliveries
- The applicant has a single business vehicle
- 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
- No Planning Board Site Plan would be necessary for this application

J. Gifford offered that it was a simple application and met the criteria.

M. Murray agreed noting it to be a straightforward application.

G. Ingham added that it would be great if they could bring it to Plaistow.

P. Bealo asked if there were any additional questions from the Board, there were none. He asked if there was anyone speaking in favor of, or opposition to, the application. There was no one. It was confirmed that no emails or letters had been received prior to the public hearing.

#### DELIBERATIONS:

**★ G. Ingham moved, second by M. Murray to grant the request from Amanda Portillo for a Home Occupation, under Article X, all sections to allow an office for food service business at 101 Newton Rd, Tax Map 69, Lot 57 with the following conditions:**

- ***The home occupation is for an office function only***
- ***There is not to be any food preparation done in the home***
- ***The applicant will need to meet all requirements of the Plaistow Health Department in order to be licensed in Plaistow***
- ***The Home Occupation must be renewed every three (3) years in accordance with Plaistow Zoning Ordinance Article X***

Discussion:

J. Gifford asked why they would have to meet the Plaistow Health Department requirements if they were just an office.

D. Voss explained that would only be applicable if they wanted to be licensed in Plaistow.

J. Gifford noted that they were using less than the maximum allowable living space for the office; there would not be anything outside; and all the food preparation would be in Amesbury.

There was no additional discussion.

***Roll Call Vote: P. Bealo – yes; J. Gifford – yes; G. Ingham – yes; M. Murray – yes. The vote was 4-0-0 U/A.***

There was no additional business before the Board and the meeting was adjourned at 6:53 p.m.

Respectfully Submitted:

Dee Voss  
Administrative Assistant