



Town of Plaistow, New Hampshire
145 Main Street, Plaistow NH 03865
Phone: (603) 382-8469

ZBA Minutes 06-27-13

ZONING BOARD OF ADJUSTMENT MINUTES

June 27, 2013

Call to Order: 7:00 P.M.

ROLL CALL: Present was *Chairman*; Larry Ordway, James Allen, Tim Fisher, Paul Boniface and Alternate; Martha Sumner. Rod Cole was excused.

L. Ordway appointed M. Sumner a voting member for the meeting.

Minutes of May 30, 2013

J. Allen motioned to accept the minutes of the May 30, 2013 meeting, second by T. Fisher

There was no discussion on the motion and the vote was 3-0-2; M. Sumner and P. Boniface abstained.

Renoticed from April 25, 2013 and May 30, 2013

#13-03: A request from Cory St. Pierre for a Special Exception under Article X for an office for a plumbing and heating business. The property is located at 19 East Pine St, Tax Map 49, Lot 11 in the MDR District. The applicant is the property owner of record.

Present was Cory St. Pierre. He explained the following to the Board:

- He needs the home occupation permit to park his work truck at his home
- He owns a plumbing and heating business
- The truck is a 1 ton truck, new, very clean, with nothing hanging off it
- He will store no supplies for his business at the house

The Board stepped through the criteria for the granting of the special exception and the following was noted:

- There is nothing noxious or offensive the applicant is aware of
- The house was built in 1904; before the business was established
- Only 3% of the house will be used for the business; a desk
- There will be no storage of equipment or supplies; only what is stored inside the truck
- There will be no sign
- He has one employee who drives the second business truck to and from job sites; not to the home business
- The owners vehicle is 1 ton (the employee truck is ½ ton)
- No deliveries will be made to the home business
- There is a small map gas tank on the truck
- There are no conditions on the deed that would prevent the home occupation
- It is a single family dwelling

L. Ordway explained that the Building Inspector has the right to inspect the property at any time and that the permit needs to be renewed every 3 years.

There were no questions from the Board and there was no one present to speak in favor of or against the application and the case was closed.

L. Ordway explained the deliberations process noting that no further input could be given. He added that they will be notified in writing within ten (10) business days. If granted they cannot proceed with plans for thirty (30) days in case someone would like to appeal the decision.

#13-06: A request from Taurus Plaistow Investors, LP on behalf of Walgreen's for a variance from Article IX, §220-59.A to allow an additional attached sign (noted as sign "D") on the southern building façade which exceeds the maximum allowable of two (2) attached signs. The property is located at 5-9 Plaistow Rd in the CI District. The applicant is the property owner of record.

It was noted for the record that a letter was received from the applicant giving Mark Donohoe permission to represent the applicant.

Present for the application was Mark Donohoe to represent Taurus Plaistow Investors, LP.

M. Donohoe explained the following to the Board:

- Both signs being requested are similar signs; the "W" signature Walgreens sign
- The lease requires him as the landlord to apply for the sign variances
- Two signs have already been approved; one facing Rte. 125 and the second facing Rte. 121A
- The applicant proposes to have the "w" sign on each side with the already approved signs
- The signs will be flat on the building
- Two directional signs were also approved; an exit sign and the drive thru sign
- A pylon sign was also approved

M. Donohoe stated that to not have the sign would not be a hardship, but he is required to ask for it. It added that the signs will not affect anyone and is a standard Walgreens application. The reader board and monument signs were already rejected.

There were no further questions from the Board and there was no one to speak for or against the application. And the case was closed.

#13-07: A request from Taurus Plaistow Investors, LP on behalf of Walgreen's for a variance from Article IX, §220-59 to allow an additional attached sign (noted as sign "C") on the western building façade which exceeds the maximum allowable of two (2) attached signs. The property is located at 5-9 Plaistow Rd in the CI District. The applicant is the property owner of record.

It was noted for the record that a letter was received from the applicant giving Mark Donohoe permission to represent the applicant.

Present for the application was Mark Donohoe to represent Taurus Plaistow Investors, LP.

M. Donohoe explained that the application is similar to the previous application. The only difference is that people coming from the south will not see the other sign so this sign is needed.

J. Allen asked about the sign size.

M. Donohoe explained that it is set to the scale of the two approved signs. If those signs were smaller than this one would be as well.

There were no further questions from the Board and there was no one to speak for or against the application. And

the case was closed.

L. Ordway explained the deliberations process noting that no further input could be given. He added that they will be notified in writing within ten (10) business days. If granted they cannot proceed with plans for thirty (30) days in case someone would like to appeal the decision.

DELIBERATIONS:

#13-03: A request from Cory St. Pierre for a Special Exception under Article X for an office for a plumbing and heating business. The property is located at 19 East Pine St, Tax Map 49, Lot 11 in the MDR District. The applicant is the property owner of record.

J. Allen motioned to grant the request from Cory St. Pierre for a Special Exception under Article X for an office for a plumbing and heating business. The property is located at 19 East Pine St, Tax Map 49, Lot 11 in the MDR District. The motion was second by L. Ordway and the case was opened for discussion.

L. Ordway summarized the case noting the following:

- It is a two truck business
- No storage will be on the property
- His employee will drive the second truck to and from his home and the job sites
- There is one map gas tank on the truck; there are not other hazardous materials
- Purchases are picked up and brought directly to the job site; no storage on the property
- No sign

There was no discussion on the motion and the vote was 4-0-1; J. Allen abstained.

#13-06: A request from Taurus Plaistow Investors, LP on behalf of Walgreen's for a variance from Article IX, §220-59.A to allow an additional attached sign (noted as sign "D") on the southern building façade which exceeds the maximum allowable of two (2) attached signs. The property is located at 5-9 Plaistow Rd in the CI District. The applicant is the property owner of record.

T. Fisher motioned to grant the request from Taurus Plaistow Investors, LP on behalf of Walgreen's for a variance from Article IX, §220-59.A to allow an additional attached sign (noted as sign "D") on the southern building façade which exceeds the maximum allowable of two (2) attached signs. The property is located at 5-9 Plaistow Rd in the CI District. The applicant is the property owner of record. The motion was second by J. Allen and the case was opened for discussion.

L. Ordway summarized the case noting the following:

- Sign D is a trade mark sign; "W"
- It will be facing Rte. 121A
- No strong case was given for a hardship without the sign

L. Ordway stated he other business have asked for similar signs and were denied and to grant this sign would set a precedent.

The Board stepped through the requirements for the granting of a variance noting the following:

The variance is not contrary to the public interest

The public interest is to not have too many signs; this would be contrary to the public interest.

Substantial justice is done

The Board needs to be fair to Walgreens as they were to other local businesses that have come in with the same

request.

The spirit of the ordinance is observed

The ordinance states two signs on the building; the spirit would not be observed.

The values of surrounding properties are not diminished

They would not be diminished as all surrounding properties are commercial properties.

Literal enforcement of the ordinance would result in a hardship

The Board heard no evidence of a hardship in the hearing.

There was no further discussion on the motion and the vote was 0-5-0.

#13-07: A request from Taurus Plaistow Investors, LP on behalf of Walgreen's for a variance from Article IX, §220-59 to allow an additional attached sign (noted as sign "C") on the western building façade which exceeds the maximum allowable of two (2) attached signs. The property is located at 5-9 Plaistow Rd in the CI District. The applicant is the property owner of record.

P. Boniface motioned to grant the request from Taurus Plaistow Investors, LP on behalf of Walgreen's for a variance from Article IX, §220-59 to allow an additional attached sign (noted as sign "C") on the western building façade which exceeds the maximum allowable of two (2) attached signs. The property is located at 5-9 Plaistow Rd in the CI District. The motion was second by M. Sumner and the case was opened for discussion.

L. Ordway summarized the case noting the following:

- This is a request for four signs where two is allowed
- Sign C is a trade mark sign; "W"

The Board stepped through the requirements for the granting of a variance noting the following:

The values of surrounding properties are not diminished

Values of surrounding properties would not be diminished

The variance is not contrary to the public interest

It would be contrary as the ordinance clearly states only two signs on the buildings

Substantial justice is done

A fairness issue to Walgreens and other businesses in Town that were denied the same request

The spirit of the ordinance is observed

It would not be observed as the ordinance states only two signs on the building

Literal enforcement of the ordinance would result in a hardship

There was no indication of any hardship in the testimony

There was no further discussion on the motion and the vote was 0-5-0 U/A.

Other Business/Updates: Misc. Notices, letters, and other Correspondence from Dept. of Building Safety, Planning Department and ZBA

The Board discussed who should become the new Vice Chair to the Board; T. Fisher agreed to become nominated.

L. Ordway motioned to approve T. Fisher as the Vice Chair, second by M. Sumner.

There was no discussion on the motion and the vote was 5-0-0 U/A.

There was no other business before the Board; the meeting was adjourned at 7:40 P.M.

Respectfully submitted as recorded by Laurie Pagnottaro.

Approved by the Zoning Board of Adjustment on _____

Larry Ordway, Chairman