



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

ZBA Minutes 10-31-13

ZONING BOARD OF ADJUSTMENT October 31, 2013

The meeting was called to order at 7:00 p.m.

Roll Call: Larry Ordway, *Chair*
Timothy Fisher, *Vice Chair*
James Allen
Paul Boniface, *Excused*
Martha Sumner, *Alternate*

M. Sumner was appointed as a voting member for this meeting.
Minutes of September 26, 2013

M. Sumner moved, second by L. Ordway, to approve the minutes of the September 26, 2013 meeting. There was no discussion on the motion and the vote was 3-0-1 (Fisher abstaining).

L. Ordway noted that there was only a four-member board for this meeting. He explained how voting works and the any motion must be passed by three affirmative votes. He added that the applicants had the right to request a continuance to have a full board. L. Ordway cautioned that if an applicant moved forward with their application and did not prevail they could not use the lack of a full board as a reason to request a re-hearing.

#13-18: A request from Scott Robertson for a special exception under Article X to allow a home occupation, namely an art studio (fine art photography, paintings and media design). The property is located at 17 Forrest St, Tax Map38, Lot 110 in the MDR District. The property owners of record are Scott C. Robertson & Shannon L. Poirier.

Scott Robertson was present for the application. He explained that he did CAD design work on a part-time basis and he would like to have an art studio in his.

The Board reviewed the check list with Mr. Robertson noting the following:

- The business is secondary to the residential use of the property
- This business use qualifies for a home occupation under §220-66B
- There would be no used that are noxious or injurious, there is no noise, dust fumes or electrical fluctuations as part of this home occupation
- The applicant has owned the single-family dwelling since 2008, he started his business in 2013
- The studio is intended to be located on the first floor and is +/- 14% of the living space
- There will be nothing to change the residential character of the neighborhood
- There will be no exterior storage
- The applicant does not intend to have a sign at this time
- The business is a part-time venture and secondary to Mr. Robertson's job as a high school teacher
- There will be no outside merchandise display
- Pictures were presented to the Board showing off-street parking for eight (8) vehicles, though no clients are expected on the property
- There are no flammable, noxious or dangerous chemicals being used or stored as part of the home occupation

- There are no restrictive covenants in the deed
- The property is not a condo or part of a home owner's association

L. Ordway went over the portion of the ordinance that allows inspections at the discretion of the Building Inspector. He also noted that the home occupation must be renewed by the applicant every three years.

L. Ordway asked if the Board had any questions; there were none. He asked if there was anyone speaking in favor or in opposition to the application.

Douglass Kimball, 18 Forrest St, offered that he was in favor of the application, not the Robertsons to be respectful neighbors. He added that he felt it was a good use of the property.

There was no one speaking in opposition and the matter was closed.

Continued from September 26, 2013

#13-17: A request from Gail & Dean Manemanus for a special exception under Article X to allow a home occupation, namely an office for a courier service to include livery and corporate accounts. The property is located at 11 Old County Rd, Tax Map 44, Lot 26 in the MDR District. The applicants are the property owners of record.

Dean Manemanus was present for the application. He noted that he would like to offer a courier service that would take last minute, small to medium, packages from point A to point B.

L. Ordway asked if there would be any taxi services provided.

D. Manemanus replied it would only be packages, no people.

L. Ordway asked what kind of vehicles Mr. Manemanus would be using.

D. Manemanus answered he would just be using one vehicle and Ford F-150 pick-up truck.

The Board reviewed the checklist for a Home Occupation noting the following:

- The home occupation qualifies under §220-66.C
- The property is owner occupied and is a single-family dwelling

There was a discussion regarding the previously granted home occupation (ice cream truck) and all the vehicles in the yard. Mr. Manemanus noted that he would be discontinuing the ice Cream Truck business and those vehicles had already been removed. It was also noted that he had not renewed his home occupation for the Ice Cream Truck.

There was discussion about making it part of the motion that the Ice Cream Truck business would no longer be a home occupation at this address.

- Mr. Manemanus has owned his home for almost 30 years and this would be a brand new business
- The office would be located in the dwelling and would occupy +/-8% of the living space

There was discussion regarding how the courier service would operate. Mr. Manemanus explained he would be picking up a parcel at one client and delivering it to wherever that client needed it to go. He noted that sometime it would be to a totally different business and sometimes it would be to another branch/office of the same business. Mr. Manemanus added that all parcels would be delivered same day and there wouldn't be anything stored at his home.

- There will be no exterior merchandize display
- There will not be a sign on the property but there is lettering on the truck
- The business will be owned and operated by Mr. Manemanus with no other employees
- Packages would not be dropped at the residence they would all be picked up at one located and delivered directly to another
- There are no covenant restrictions in the deed
- This is a single-family residence, not a condo and is not part of a homeowner's association

L. Ordway reiterated the portion of the ordinance that allows inspections at the discretion of the Building Inspector. He also noted

that the home occupation must be renewed by the applicant every three years.

L. Ordway 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. There was no one and the matter was closed.

DELIBERATIONS

#13-18: A request from Scott Robertson for a special exception under Article X to allow a home occupation, namely an art studio (fine art photography, paintings and media design). The property is located at 17 Forrest St, Tax Map38, Lot 110 in the MDR District. The property owners of record are Scott C. Robertson & Shannon L. Poirier.

T. Fisher moved, second by M. Sumner, to grant the request for a special exception under Article X to permit a home occupation, namely an art studio, at 17 Forrest Street and the case was opened for discussion.

L. Ordway summarized the application noting the following:

- Typical home occupation request
- 1 person on a part-time basis
- Nothing outside the residence
- No sign or merchandize
- Supported by at least one abutter
- Occupies 14% of the living space

There was no more discussion on this matter. The vote was 4-0-0 U/A.

Continued from September 26, 2013

#13-17: A request from Gail & Dean Manemanus for a special exception under Article X to allow a home occupation, namely an office for a courier service to include livery and corporate accounts. The property is located at 11 Old County Rd, Tax Map 44, Lot 26 in the MDR District. The applicants are the property owners of record.

J. Allen moved, second by T. Fisher, to grant the request for a special exception under Article X to permit a home occupation, a courier service, at 11 Old County Road and the case was opened for discussion.

L. Ordway summarized the application noting the following:

- Business will use one vehicle at Ford F-150
- Service being offered is a client-to-client package delivery rush delivery service
- Nothing will be stored on the property

There was discussion on concern that the number of vehicles could increase or that the Ice Cream Truck business could return. It was suggested that the motion be amended to restrict the number of vehicles and to preclude the Ice Cream Truck business.

The motion was amended to include two conditions:

- *There shall not be more than one (1) business vehicle located on the property*
- *The granting of this Home Occupation voids the one granted for the Ice Cream Truck business*

There was no more discussion on this matter. The vote on the amended motion was 4-0-0 U/A.

There was no further business before the Board. The meeting was adjourned at 7:32 p.m.

Respectfully Submitted,

Dee Voss
Administrative Assistant

