



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

ZBA Minutes 12-05-13

ZONING BOARD OF ADJUSTMENT December 05, 2013

The meeting was called to order at 7:06 p.m.

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

M. Sumner was appointed as a voting member for this meeting.

L. Ordway noted that there was only a three-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.

Minutes of October 31, 2013 Meeting

M. Sumner moved, second by T. Fisher, to approve the minutes of the October 31, 2013 meeting. There was no discussion on the motion and the vote was 3-0-0 U/A.

#13-19: A request from Brent Eads (Site Enhancement Services, Inc) for a variance from Article IX, §220-59.A(1) to allow a 114.52 sq ft attached sign, which is larger than the allowable 10% of the building facade. The property is located at 4 Plaistow Rd, Tax Map 24, Lot 44 in the CI District. The property owners of record Plaistow Project, LLC: Northstar Properties, Manager.

Brent Eads, Site Enhancement Services was present for the application. It was noted for the record that there was a letter of authorization from Northstar Centers, the property management company for Stateline Plaza.

B. Eads noted the following for the Board in support of the application:

- Party City acquired iParty in March of this year
- They are upgrading all the stores to be Party City stores
- They are requesting a 114.52 sq ft attached sign
- The size of the building façade compared to other stores in the plaza put them at a disadvantage when it comes to street recognition
- Based on strict calculations of the ordinance they would be allowed a 56.34 sq ft sign while other tenants, such as Shaw, T.J. Maxx, and Petco have signs that are 925, 340 and 582 sq ft in size
- The sign would be 19.7% of the building façade
- The existing iParty sign is 49 inches tall, the proposed sign would be 42 inches tall with the tag line underneath adding an additional 10 inches.
- The sign would balance with other signs in the plaza
- The sign is somewhat obstructed by the Panera Bread building currently under construction
- The length of the Party City logo and tag line in their sign puts them at a disadvantage for larger lettering

- The tower feature does obstruct views of this storefront

There was a brief discussion of the tenant space and the requested signage.

B. Eads offered that compared to existing signs in the plaza he didn't feel that they were asking for anything astronomical. He presented photos of different approaches to the plaza and how compliant signage would look from those directions.

L. Ordway asked if Party City was a franchise.

B. Eads replied that the company was incorporated in 1986 and is just recently expanding into this area.

Alexandra Dolgov, Plaistow Party City employee, noted they were not franchised.

L. Ordway asked if this size of this signage was standard through all the stores.

B. Eads answered that some signs were larger, going up to as much as 230 sq ft.

L. Ordway asked if the Board had any additional questions, there were none. He asked if there was anyone speaking in favor of or opposition to the application. There was no one and the matter was closed.

L. Ordway explained the process for hearing each application. He noted that all the applications would be heard in order and once an application was closed there could be no more input. Deliberations would be done once all applications were heard.

#13-20: A request from Cliff and Sue Taylor for a variance from Article V, §220-321 a structure to be built 22 feet from the rear property line where 25 feet is the minimum required. The property is located at 102 Newton Rd, Tax Map 69, Lot 43 in the ICR District. The applicants are the property owners of record.

Cliff and Sue Taylor, 102 Newton Road, were present for the application.

S. Taylor explained that they were seeking to replace and enlarge their garage but the new section doesn't meet the rear property setback requirements.

L. Ordway asked what the issue with the existing garage was.

S. Taylor noted that it was only 19' x 14' and was too small to be useful and was in aging condition.

L. Ordway asked why they couldn't decrease the size of the garage by three (3) feet in order to be compliant.

S. Taylor noted there was already an attached breezeway and they would like to maintain the same sight line.

L. Ordway offered that he wasn't convinced of the need for that much extra space.

S. Taylor explained that they would use the space to store four-wheelers and to have a work bench.

The Board reviewed pictures submitted by the applicant.

L. Ordway asked how far it was to the closest neighbor.

C. Taylor noted that the abutting parcel was eleven (11) acres, owned by (Robert) Zukas, and was landlocked.

L. Ordway asked about the neighbors to the sides.

S. Taylor offered there were no issues there calling them a "good bunch."

M. Sumner asked when the garage was built.

S. Taylor noted they owned the property for ten (10) years and she believed the garage was there at least ten (10) years before they owned it.

C. Taylor suggested it might be as old as thirty (30) 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

opposition to the application. There was no one and the matter was closed.

#13-21: A request from Michael MacDonald for a Special Exception under Article X, all sections to allow a home occupation, namely an office for an electrical contracting business. The property is located at 8 Palmer Ave, Tax Map 52, Lot 25 in the MDR District. The property owner of record is Mary Ann Vaillancourt.

Michael MacDonald, 8 Palmer Ave, was present for the application. It was noted there was a letter of authorization from the property owner for this application. Mr. MacDonald explained that he would like to have a small office, for his electrical contracting business. He noted his work was all done offsite and the office would basically be for a phone.

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 §220-66C
- 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 is a tenant in the residential dwelling
- 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
- A trailer would occasionally be stored at the back of the property and would be screened by woods.
- The applicant does not intend to have a sign at this time
- There will only be one (1) lettered vehicle on the property. There is another but is used by an employee
- There will be no outside merchandise display
- There was no need for customer parking as no one would be coming to the home, but there is adequate parking
- 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 (3) 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 opposition to the application. There was no one and the matter was closed.

DELIBERATIONS

#13-19: A request from Brent Eads (Site Enhancement Services, Inc) for a variance from Article IX, §220-59.A(1) to allow a 114.52 sq ft attached sign, which is larger than the allowable 10% of the building facade. The property is located at 4 Plaistow Rd, Tax Map 24, Lot 44 in the CI District. The property owners of record Plaistow Project, LLC: Northstar Properties, Manager.

L. Ordway moved, second by M. Sumner, to grant the request for a variance from Article IX §220-59.A(1) to allow a 114.52 sq. ft. attached sign for Party City at 4 Plaistow Road.

L. Ordway summarized the application noting the following:

- The tower feature makes this location unique
- There is little to no visibility from Route 125 and Main Street
- The size of the requested sign is consistent with other signs in the plaza
- If the blue area of the sign is not considered the sign is slightly smaller
- The computer generated pictures showed an excellent representation of what drivers would see, which would offer better recognition for traffic safety

T. Fisher offered that it would be more visually appealing to have all the letters (of the plaza signs) in sync.

There was no more discussion on this matter. The vote was 3-0-0 U/A.

#13-20: A request from Cliff and Sue Taylor for a variance from Article V, §220-321 a structure to be built 22 feet from the rear property line where 25 feet is the minimum required. The property is located at 102 Newton Rd, Tax Map 69, Lot 43 in the ICR District. The applicants are the property owners of record.

L. Ordway moved, second by M. Sumner, to grant the request for a variance from Article V, §220-311 and allow a garage to be built within 22 twenty-two feet of the rear property line at 102 Newton Road.

L. Ordway summarized the application noting the following:

- Replacing a smaller deteriorating garage
- The new structure would be 24' x 24'
- The existing structure is 19' x 14'
- In order to meet compliance they would have to incur additional expenses to remodel an existing breezeway
- The 11 acres behind their property is landlocked
- No abutters came forward or sent in any opposition to the application

M. Sumner added it was an existing thirty-year old garage and most of the new garage would be on the same footprint.

L. Ordway noted the expansion was to the south of the property and he didn't see a problem with that location.

There was no more discussion on this matter. The vote was 3-0-0 U/A.

#13-21: A request from Michael MacDonald for a Special Exception under Article X, all sections to allow a home occupation, namely an office for an electrical contracting business. The property is located at 8 Palmer Ave, Tax Map 52, Lot 25 in the MDR District. The property owner of record is Mary Ann Vaillancourt.

L. Ordway moved, second by T. Fisher, to grant the request for a special exception to allow a home occupation under Article X to allow an electrical contractor's office at 8 Palmer Ave.

L. Ordway summarized the application noting the following:

- Most would be one lettered truck and a trailer with no lettering located on the property
- The trailer would be screened
- No employees come to the home
- No customers come to the home
- 14% of the living space
- Standard home occupation application

There was no more discussion on this matter. The vote was 3-0-0 U/A.

There was no further business before the Board. The meeting was adjourned at 7:49 p.m.

Respectfully Submitted,

Dee Voss
Administrative Assistant