



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

**ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
August 31, 2023**

The meeting was called to order at 6:31 pm

**Roll Call:** Peter Bealo, *Chair, excused*  
Jim Unger, *Vice Chair*  
Jonathan Gifford, *excused*  
Michael Murray  
Jim O'Brien

Also Present: Dee Voss, *Zoning Official, Administrative Assistant*

D. Voss explained the process the Board uses for hearing and deciding (deliberating) on each application. She noted that all motions are made in the affirmative "to grant" format, but that was not indicative as to how any member might vote on a particular application, including the maker of the motion, or the second. D. Voss added that notices of decision will be sent within five (5) business days, but that no permits will be issued for thirty (30) days to allow for any appeals (requests for re-hearing) as per the NH RSAs

D. Voss noted that there were only three (3) voting members available for this meeting, adding that per New Hampshire RSA, all motions for relief must be granted by at least three (3) votes to the affirmative. Per the Zoning Board's By-Laws, all applicants have the right to request a continuance to a meeting with a five (5) member Board. If an applicant moves forward with less than a five (5) member Board, the lack of a full board cannot be used as grounds to request a re-hearing if the application is denied.

J. Unger added that the Board has been, and is still seeking alternate members, to help provide a five-member board for all meetings.

**PUBLIC HEARINGS:**

D. Voss explained that when it was known that there would be less than a five-member board, all applicants were notified in advance of the meeting.

*Continued from May 25, and June 29, 2023 – Re-Noticed for 08/31/2023*

**#23-07: A request from Sweet Hill Farm, LLC for an Appeal of the Administrative Decision of the Building Inspector/Code Enforcement Officer failing to act on Building Permit Application filed on February 9, 2023. The subject property of the building permit**

application is 82 Newton Road, Tax Map 68, Lot 8 in both the LDR and ICR Zoning Districts. The applicant is the property owner of record.

*Continued from May 25, and June 29, 2023 – Re-Noticed for 08/31/2023*

**#23-08: A request from Sweet Hill Farm, LLC for an Appeal of the Administrative Decision of the Building Inspector/Code Enforcement Officer failing to act on Building Permit Application filed on March 27, 2023, for a Bee House. The subject property of the building permit application is 82 Newton Road, Tax Map 68, Lot 8 in both the LDR and ICR Zoning Districts. The applicant is the property owner of record.**

*Continued from May 25, and June 29, 2023 – Re-Noticed for 08/31/2023*

**#23-09: A request from Sweet Hill Farm, LLC for an Appeal of the Administrative Decision of the Building Inspector/Code Enforcement Officer to issue a foundation only permit for application for Farmhouse Mudroom, Permit No. BP2023-000076. The subject property of the building permit application is 82 Newton Road, Tax Map 68, Lot 8 in both the LDR and ICR Zoning Districts. The applicant is the property owner of record.**

*Continued from May 25, and June 29, 2023 – Re-Noticed for 08/31/2023*

**#23-10: A request from Sweet Hill Farm, LLC for an Appeal of the Administrative Decision of the Building Inspector/Code Enforcement Officer to issue a foundation only permit for application for Hops Barn, Permit No. BP2023-000071. The subject property of the building permit application is 82 Newton Road, Tax Map 68, Lot 8 in both the LDR and ICR Zoning Districts. The applicant is the property owner of record.**

D. Voss read an email request from Attorney Thomas MacMillan, counsel for the applicant, requesting a continuance to the September 28, 2023, meeting.

J. Unger stated: per the applicant's request, the public hearings for the four Sweet Hill Farm Appeals of Administrative Decisions, ZBA Matters 23-07, 23-08, 23-09 and 23-10, are continued to September 28, 2023, 6:30 PM at this same location. This is the official notice of continuance and no additional notification, written or otherwise, will be forthcoming.

**#23-11: A request from Josh Manning, Lewis Builders Development, Inc, for a variance from Article V, §220-32.F.C(1)(b) to allow a property to be subdivided into two (2) parcels with less than the required 200' of frontage for each parcel. The two (2) parcels are proposed to have 157.6' and 157.7' of frontage. The property is located at 17 Harriman Road, Tax Map 50, Lot 78 in the LDR Zoning District. Gerald E. Holt is the property owner of record.**

D. Voss read an email from Attorney Patricia Panciocco, counsel for the applicant, requesting a continuance to the next meeting.

J. Unger stated: per the applicant's request, the public hearing for the 17 Harriman Road variance request, ZBA Matter 23-11, is continued to September 28, 2023, 6:30 PM at this same location. This is the official notice of continuance and no additional notification, written or otherwise, will be forthcoming.

**#23-12: A request from Barbara J. Bryer for a variance from Article III, §220-17.6 to allow the temporary use of a camper as living space, which is not permitted by zoning, for purpose**

**of healing a broken back peacefully. The property is located at 14 Spinney Av, Tax Map 38, Lot 15, in the MDR Zoning District. The applicant is the property owner of record.**

D. Voss read an email from the applicant's representative, Barbara Ryan, requesting a continuance for a five-member board.

J. Unger stated: per the applicant's request, the public hearing for the 14 Spinney Ave variance request, ZBA Matter 23-12, is continued to September 28, 2023, 6:30 PM at this same location. This is the official notice of continuance and no additional notification, written or otherwise, will be forthcoming.

### **Minutes of June 29, 2023**

J. Unger asked if everyone had the chance to review the minutes.

***★ M. Murray moved, second by J. O'Brien, to approve the minutes from the June 29, 2023, meeting. There was no discussion on the motion.***

***Roll Call Vote: J. Unger – yes; M. Murray – yes; J. O'Brien – yes. The vote was 3-0-0 U/A.***

### **OTHER BUSINESS:**

#### **ZBA By-Law Amendments**

D. Voss read the proposed changes to the Board's By-Laws, noting that this would be the first of two (2) required readings:

***Bold italics*** designates added language

**~~*Bold italics strikethrough*~~** designates deleted language

**Proposed Change #1:** New section to follow the section titled "Meetings"

#### **TRAINING:**

***Members of the Board are expected to keep up to date with changes in local ordinances and NH RSAs. Therefore, each member is required to attend at least one (1) approved training session, during each three (3) year term as a member, or an alternate member of the Board, providing that approved training is available. The cost, if any, for member training opportunities shall be covered by the Town. Members may seek training on their own but must have it pre-approved by the Board as appropriate training, and by the Town for payment of training. Confirmation of training attendance shall be submitted to the Town for reimbursement. If the Town pre-pays for training, and the member does not attend, the member may have to reimburse the Town for the cost of the training.***

**Proposed Change #2:** Changes/edits to the checklist for a completed application under the "Application/Decision" section:

Only a completed application, submitted prior to the posted deadline, will be accepted. A complete application shall consist of the following items:

- Completed and signed application form.
- Original signature authorization to proceed letter if applicant is not the property owner.
- Names and **mailing** addresses of all abutters, property owner(s) and ~~other~~ consultant(s), including legal counsel, if applicable.
- Mailing labels for all abutters, property owners, and other consultants, including legal counsel, if applicable, with each name/address appearing three (3) times. See application form for specific label size.
- ***If the application is for a variance, then it must include Any letter(s) of denial or recommendations ~~or other referral~~ from an appropriate ~~other~~ boards, committees, commissions, or departments, and/or a Zoning Determination document from the Zoning Officer, detailing the specific need for the variance as requested.***
- Any related plans or deeds if required ***for the specific application.***
- Electronic/Digital copies of all listed items, ***except the mailing labels.***
- All applicable fees

Proposed Change #3: New paragraphs under “Decisions” heading:

***Per RSA 674:33, 1-a(a) and IV(b) any variance or special exception shall be valid if exercised within two (2) years from the date of final approval, or as further extended by the local ordinance or by the Zoning Board of Adjustment for good cause, provided that no variance or special exception shall expire within six (6) months after the resolution of a planning application filed in reliance upon the variance or special exception.***

***Requests for extension of time beyond the two (2) year requirement shall be considered as part of a legally noticed public hearing and such requests must be filed prior to the expiration of the two (2) year period. All requests shall be in writing and shall demonstrate good cause as to why the two (2) year period should be extended. The costs of legally noticing the public hearing to consider an extension shall be the responsibility of the applicant.***

***Variances and special exceptions that are not exercised or extended by the Zoning Board of Adjustment, as noted above, shall be considered as denied with prejudice.***

It was noted that the second reading, and vote to adopt the changes, will be posted for the September 28, 2023, meeting.

There was no additional business before the Board and the meeting was adjourned at 6:42 pm.

Respectfully Submitted,

Dee Voss  
Administrative Assistant