



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

**ZONING BOARD OF ADJUSTMENT**  
**January 26, 2017**

The meeting was called to order at 7:04 p.m.

**Roll Call:** Peter Bealo, *Chair, Excused*  
Tim Fisher, *Vice Chair*  
Jim Allen  
Joyce Ingerson  
Dan Lloyd, *Excused*  
John Blinn, *Alternate*

★John Blinn was appointed as a voting member for this meeting.

Review of Minutes

★*T. Fisher moved, second by J. Allen, to approve the minutes of the January 05, 2017 meeting. There was no discussion on the motion. The vote was 2-0-2 (Allen, Ingerson abstaining).*

It was noted that there were only four (4) members available at this meeting. The implications as far as voting were explained. It was noted that the applicant could request a continuation until such time as there is a five (5) member board. It was further noted that should the applicant decide to continue with the Public Hearing at this meeting, they could not use the lack of a five (5) member board as a reason to request a re-hearing. The applicant chose to move forward at this meeting.

**#17-01: A request from DC Development & Construction, LLC for a special exception under Article X, All Sections to permit a home office for a business, namely an office for a construction company. The property is located at 4 Gunstock Rd, Tax Map 62, Lot 41-15 in the LDR District. The applicant is the property owner of record.**

Stephen Doherty, 4 Gunstock Rd, Manager for DC Development, LLC, was present for the application.

S. Doherty noted that he currently has an office at 100 Hale Street in Haverhill and is looking to close that office and find property in southern New Hampshire to relocate his business. He noted that in the meantime he was looking to have an office for his company in his home. He noted that he has one person working in his office.

J. Ingerson questioned Mr. Doherty if he was the owner of DC Development & Construction, LLC or the manager as he had stated.

S. Doherty replied that in the LLC structure the term manager is used, but he is the owner of the company.

T. Fisher asked if there would be deliveries to the property, or if there would be a lot of coming and going traffic. He asked if there was construction equipment on the property.

S. Doherty said that there would not be. He noted that there was currently a piece of equipment on the property because there was still some work to be done. He explained that he had built the homes at 1, 3 and 5 Gunstock as well as his own at 4 Gunstock Rd. Mr. Doherty noted there was still work to be done behind his own property as well as at 5 Gunstock. He added that the developer is responsible for maintaining the road access. He also noted that there had been past issues with road maintenance and access, which was another reason he had kept the equipment on site.

There was discussion regarding the equipment (loader) that was currently on the site. It was stressed to Mr. Doherty that he could not have construction equipment, or any vehicles with a greater than one-ton capacity on the residential lot, even with a home occupation. Mr. Doherty noted that he understood and would speak with the developer about housing the loader on his site. He noted that they were actively seeking a property in southern New Hampshire where they could keep their equipment because they wanted to sell their Haverhill site.

J. Ingerson offered that she would like to suggest that the Board consider putting a stipulation in any motion that is made that would stress that there is to be no construction equipment on the site as part of the home occupation.

It was noted that Mr. Doherty would be allowed to bring equipment to his own property if he is working on the property, but it could not be stored indefinitely on the site.

S. Doherty noted that he had bought four (4) parcels at the top of the road from a developer who still owns property beyond his parcel. He noted that there is an age-restricted development approved beyond the four (4) lots that he purchased, but that his lots were not age-restricted. He stated that he would make sure the loader left the property.

The Board reviewed the requirements for the granting of a home occupation under Article X of the Plaistow Ordinance. The following was noted:

- The type of business qualifies for a home occupation under §220-66C – Contractors and other similar professions
- There are no processes that will be noxious, injurious, produce dust, fumes, noise or electrical fluctuations

T. Fisher noted that noise would be a big concern with the loader on the property.

- The subject property is a single-family dwelling
- The office is said to occupy +/- 5% of the living space as defined in the ordinance
- The home office will not change the residential character of the neighborhood
- The applicant noted there will not be a sign
- The applicant noted that there will be only one (1) person working in the office who does not live in the home
- There is ample off-street parking
- The applicant noted that there is nothing that will be stored outside
- There is no merchandize to be displayed outside
- There is no need for business-related deliveries, supplies are sent to each site
- The applicant noted his own personal vehicle was an F1500, which is a ½ ton capacity truck
- There was a copy of the deed provided and there are no covenants or restrictions to a home office
- The property is not a condominium, therefore no additional authorizations are required
- This is the only home occupation for this property

It was noted to Mr. Doherty that because he had chosen to make an application for a home office that he could be subject to inspection by the Code Enforcement Official.

T. Fisher asked Mr. Doherty if he had any additional information he would like the Board to know. There was none.

The Board was asked if they had any additional questions.

J. Ingerson noted that she just wanted it to be sure that there is no equipment on the property.

S. Doherty offered that he understood. He added that typically the equipment was on the job site where it could make money. He reiterated that he was actively searching for a location in southern New Hampshire for his business and his equipment to be located.

T. Fisher asked if there was anyone speaking in favor of, or in opposition to, Mr. Doherty's application. There was no one and the matter was closed.

The deliberation process was explained to Mr. Doherty, noting that he was welcome to stay and witness the deliberations, but no additional input could be allowed now that the case was closed. It was also noted that a written notice of decision would be sent out and that there was a thirty (30) day appeal period before any permits would be issued.

### **DELIBERATIONS:**

**★J. Allen moved, second by J. Ingerson, to approve the request for a home occupation at 4 Gunstock Road as stated in the legal notice with the following stipulation:**

- ***There is not to be any commercial/construction equipment stored on the property as part of the home occupation that would be in violation of the Plaistow Zoning Ordinances***

Discussion:

T. Fisher suggested that this was a typical home occupation request. He recapped the presentation noting the following:

- The office will be well less than the 25% maximum allows
- There won't be any deliveries
- Only one (1) employee
- Ample parking
- No fuel cells
- No sign
- The request was for the basic administrative functions of the business
- There will be no obvious external indications of the business
- There will not be any vehicles greater than one-ton capacity

***There was no discussion on the motion. The vote was 4-0-0 U/A.***

### **OTHER BUSINESS:**

There was a discussion regarding the cost to the Town for each application as compared to what is collected for an application fee. It was noted that frequently the cost of posting a legal notice in the local newspaper was not covered by the application fee. It was noted that the application fee has not been increased in 8-10 years. D. Voss will compile information for the Board to look at to decide whether or not an increase in the application fee is warranted.

There were no additional matters before the Board. The meeting was adjourned at 7:30 p.m.

Respectfully Submitted:

Dee Voss  
Administrative Assistant