



**TOWN OF DURHAM**  
**ZONING BOARD OF ADJUSTMENT**  
 8 NEWMARKET RD  
 DURHAM, NH 03824  
 PHONE: 603/868-8064  
 www.ci.durham.nh.us

**APPEAL FROM AN ADMINISTRATIVE DECISION**

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. An appeal of Administrative Decision must be filed with the Board no later than **30 days** from the date of the original decision as per the Zoning Board Rules of Procedure Section D(1)(b).

Name of Applicant Brandon Lisowski

Address: 60 Wiswall Road

Phone # 603-502-7037 Email: exeterhockey30@aol.com

Owner of Property Concerned Same  
 (If same as above, write "Same")

Address: Same  
 (If same as above, write "Same")

Location of Property: 60 Wiswall Road  
 (Street & Number)

Tax Map & Lot number 14, 25-1

Decision(s) of the enforcement officer to be reviewed: Denial of Home Occupancy Permit

#20-33 dated February 3, 2020

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Brandon Lisowski  
60 Wiswall Road

Dear Members:

I am respectfully appealing the Administrative Decision dated February 19, 2020 denying my application for a home occupancy permit (Permit # 20-33 dated February 3, 2020).

I, like many others in New Hampshire, own and operate a small business. This business is in addition to my work as firefighter, and it involves snow removal and landscaping.

I do not have any employees. I do not have any customers or contractors coming to my home. In my opinion, I do not conduct any business at my home. All business and income generated from my snow removal and landscaping takes place elsewhere. Although I, like many New Hampshire residents, own and store snow removal and landscaping equipment at my home, all such equipment kept in a manner to be as invisible as possible from any public vantage point into my property. All equipment present at my property can easily be categorized as serving residential purposes because the equipment is similar in size to a personal lawn tractor. Moreover, one piece of equipment is not even kept at my home between November and April each year.

It is my understanding that relevant ordinance(s) state that equipment should be "screened so as not to be visible from any public way." As stated above, all equipment is kept in a manner to be as invisible as possible in the absence of someone entering my property without my permission. Notwithstanding my firm conviction that I am not engaging in any activity that would implicate a home occupation permit, my wife and I were made aware of a recent amendment to the relevant ordinance. Accordingly, we thought it was best to submit an application for a home occupation permit because I keep equipment related to snow removal and landscaping on my one-acre lot.

My wife and I bought our home in 2015. We have worked tirelessly to improve the curb appeal of our home, and we submit that we have made significant strides toward that end since 2015. In fact, our neighbors have repeatedly complimented us on how much we improved the residential look of our home. The equipment discussed herein is always kept in the lower driveway and behind our garage and out of sight.

My wife and I simply cannot comprehend why we are even put in the position to have to submit this appeal. The conclusory denial of my good faith application does not include any finding that I am operating the equipment used for my small business. If it did, it would be premised upon a completely false set of facts. Consequently, all I can convey is my utter disbelief in the denial's reference to activities that produce noise, odor, traffic or other nuisances perceptible at the lot line at a higher level than is usual in a residential neighborhood. As I stated earlier, all work is done off property, so the only noise is a resident driving a truck with a trailer.

My wife and I thought we were being engaged and overly responsible members of the community when we submitted our application. The conclusory and undeveloped denial of our request has left two law-abiding and conscientious community members in a state of uncertainty.

Our home is our home. Although I am a small business owner, my wife and I do not treat or use our home in any way that would change the character of our property. I submitted the request for a home occupation permit in the abundance of caution. For the reasons detailed herein, I submit that the denial of my application was both arbitrary and capricious. Therefore, I respectfully ask you to intervene to review this plainly erroneous decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brandon Lisowski', with a long horizontal flourish extending to the right.

Brandon Lisowski

3/19/2020