

BOARD OF ADJUSTMENT  
DEERFIELD, NEW HAMPSHIRE  
FEBRUARY 25, 2014

MINUTES OF MEETING

PRESENT: Board members George Thompson, Anthony DiMauro, Jonathan Leer, Katherine Alexander. Also present secretary Jane Boucher.

7:15PM Vice Chair George Thompson called the meeting to order at this time.

APPROVAL OF MINUTES

Anthony DiMauro moved and Katherine Alexander seconded to approve the minutes of October 22, 2013 as printed. Voted in favor.

TRAINING SESSIONS

Katherine Alexander will check dates for upcoming training sessions for members.

7:26 Vice Chair Thompson recessed the meeting at this time.

CASE # 14-01 MARY AND JOHN DOANE

7:30 Vice Chair Thompson called the meeting back to order and explained procedure. Mr. Thompson advised the applicant that there were four members present and three affirmative votes were needed to approve an application.

Alden Beauchemin, representing the Doane's, said that he would like to proceed.

Clerk Anthony DiMauro read the Notice of Public Hearing by which Mary and John Doane, 81 Mount Delight Road, Deerfield, NH have applied for a Special Exception as defined in Article II, Section 204.1 # 16 to operate a kennel for a 48 hour rescue and quarantine operation for up to 30 dogs and puppies. Also a day care/overnight facility for up to 10 dogs.

Clerk DiMauro also read two notarized letters of authorization.

John and Mary Doane, applicant of 60 South Road, Deerfield, NH (Map 423 Lot 44) granting Alden Beauchemin of Keyland Enterprises, Fiona Reeves attending veterinarian, Allyson Laroche staff member and Faith Clarke, quarantine staff permission to go before the ZBA to discuss details of the application.

Myles and Marsha Hogan, owners of 60 South Road, Deerfield, NH grant John and Mary Doane permission to go before the ZBA to discuss details of the application for a special exception and

approvals for their proposed business for the site.

It was discussed that the Public Hearing Notice noted the hearing date of February 25, 2015 incorrectly. Board members felt that this was not an issue and agreed to proceed.

Jonathan Leer moved to accept the application for a Special Exception for John and Mary Doane (14-01). Anthony DiMauro seconded. Voted in favor.

Alden Beauchemin presented plans depicting the property noting that Jeanne Menard agent for the owner and applicant will assist.

Mr. Beauchemin said there will be no changes to the property. The parking area will be located in the rear and a fenced in area, shown on the plan, will not be visible from Route 43.

Allyson Larochelle noted that the business has been in existence for three years and operating as an LLC.

7:45 At this time Mary Doane called in from Florida.

Ms. Larochelle said that dogs were transported in from North and South Carolina and quarantined for at least 48 hours and will be kept inside during this time.

Dr. Fiona Reeves said that the State requires a 48 hour quarantine after which she examines each dog and determines if any vaccinations are required.

At this time Mr. Beauchemin read the application for a Special Exception for John and Mary Doane. A copy of the application is attached to these minutes.

Jeanne Menard provided letters from Pamela Hayes and Dana Vander Bill supporting this application. Ms. Menard also noted that appointments will be held separately through the day and there will be a structured schedule for pick ups.

Jonathan Leer questioned the exercising of quarantined dogs. Allyson Larochelle replied that quarantined dogs will not be exercised.

An abutter questioned the hours of operation.

Mary Doane, on speaker phone, replied 7 AM to 6PM.

Board member Anthony DiMauro questioned removal of manure and urine.

Mary Doane replied that dumpsters will be located on the property and gravel-sand, bleach and Kennel-Sol will be used for cleaning urine. She added that she will follow recommendations of the State and Dr. Reeves.

Vice Chair Thompson asked if anyone would like to speak in favor of the application.

Colleen Potter said she has worked for Mary , who is very attentive to the dogs and their care.

Megan King noted that she has adopted one of Mary's dogs and there has never been a health concern. She added that this was a good program.

Maggie Lemay said that Mary's Dogs runs a meticulous operation and a veterinarian monitors the dogs regularly.

Vice Chair Thompson asked if anyone would like to speak in opposition

James Page, 67 South Road, spoke voicing concern regarding noise and noting that he has a shallow well which also concerns him. He commented on traffic issues at that corner and felt that technical issues should be addressed and this application thought through .

Mark Brewer, 31 South Road, also voiced concern regarding noise, odors and traffic. He referred to RSA 466:31. State Law regarding barking dogs. Mr. Brewer also questioned traffic problems and lighting. He asked about a retail sales business, which Ms. Doane currently operates and felt that the projected business will have a negative impact on the area.

Cynthia Kelsey , 64 South Road, said that she felt it was not an appropriate location. She noted traffic concerns and the dangerous intersection. Ms. Kelsey also referred to nuisance due to noise and odor.

At this time Mary Doane noted that the retail business will only be located on the web site and she has no plans for grooming and training dogs. Her intent is to operate a small exclusive boarding facility for up to 10 dogs.

Jonathan Leer asked Mary to identify the transport process. Mary replied that one transport arrives with a limit of eight dogs and five puppies come in during the day. Their goal is to keep dogs well and comfortable.

Angela Sullivan, 66 South Road, agreed with concerns voiced by others and voiced concern regarding aggressive dogs, noting that

if constant barking occurs, she will have to get rid of her dog.

David Shaffman, 9 Old Candia Road, repeated concerns of others and said he also had serious concerns regarding the wetland between his house and the 60 South Road residence. He hoped that Ms. Doane would keep her business on Mount Delight and noted that he will be selling his house if this approval happens.

Kathleen Shaffman, 9 Old Candia Road, agreed with her husband saying that the previous occupants of the "house of horrors" had loose dogs and odor was horrible.

Anthony Samsel, 63 South Road, said that he also is opposed. His wife is terminally ill and enjoys playing classical music with others. He records this for her and her friends and he noted that recordings are destroyed by barking dogs. Mr. Samsel said he felt that this application was "all about money".

Mr. Samsel also referred to the public health aspect of this project saying that disease can be transferred from dogs to humans. He said that the disease Meiosis is transmitted by fleas. This disease is found in 98 countries and in 22 States in the USA.

Troy Hopkins said she owns a Mary's Dog but is also concerned regarding traffic at that corner.

David Lane, South Road, noted that he is opposed. The location is not suitable for a business.

Mr. Todd, 65 South Road, voiced concern regarding traffic and property values.

Katherine Alexander asked Jeanne Menard if there was not a more suitable location. Jeanne Menard replied that Mary Doane has looked at a number of locations but found nothing more suitable. Ms. Alexander questioned the selling price of the home. Jeanne Menard replied \$345,000. Ms. Alexander asked what the monthly mortgage payment would be. Ms. Menard replied that she did not know, she was not a banker.

Mr. Samsel said that a mortgage payment would be \$2,000 to \$2,200 per month. He added that property values would go down and he would have to sell his home and sue the town.

Jonathan Leer asked Mary Doane what was her motivation for moving the business from her current location.

Ms. Doane replied that the Mount Delight location was an interim

site and has never been part of her long term goal.

9:40PM The Board went into deliberative session at this time.

Jonathan Leer said he had concerns regarding the location and felt that abutters had legitimate concerns.

Anthony DiMauro said that he main concerns were traffic and waste removal.

Kate Alexander said that dogs can intimidate other agricultural animals and did not know how the dogs will remain quiet.

George Thompson referred to Section 206 D of the Zoning Ordinance. "Criteria for a Special Exception" A copy is attached to these minutes.

10:10PM Board members completed work sheets at this time.

10:25PM Anthony DiMauro moved to deny the application for a Special Exception for John and Mary Doane for property located on 60 South Road. Jonathan Leer seconded. Voted in favor.

10:30PM The meeting was adjourned.

Recorded and transcribed by Jane Boucher  
Pending Approval by the Board of Adjustment



OFFICE OF THE BOARD OF ADJUSTMENT  
P.O. BOX 155  
DEERFIELD, NEW HAMPSHIRE 03037

Description of proposed use showing justification for a special exception as specified in the zoning ordinance, article II section 204.1 A special exception, as referred in Sect 204.1 #16  
Kennel will be required in order for Mary's Dogs Rescue and Adoption (MDRA) to operate a 48hr quarantine facility for up to 30 dogs and puppies who are arriving from our rescues. The quarantine facility to be on the first floor of the existing barn. The upstairs of the house will serve as a residence for a live in staff person . The first floor of the residence will serve as a business location for an exclusive dog day-care/overnight stay facility for up to 10 dogs. MDRA will be staffed 24/7.

Explain how the proposal meets the special exception criteria as specified in article II, section 206 of the Deerfield Zoning Ordinance (list all criteria from ordinance).

Criteria 1 - Mary's Dogs Rescue and Adoption (MDRA) will be a stand alone facility and will not have any impact on existing or planned community facilities.

Criteria 2 - MRDA will not be changing the exterior of this classic New England home in anyway with the exception of dog fencing and to reestablish an abandoned parking area south of the barn. We intends to capitalize on the antique charm and character of the building and great location to attract daycare/overnight clientele as well as service our rescue center.

Criteria 3 - The location is ideal because of the close proximity to State Route 43 and Highway 101. We expect minimal impact on the surrounding neighborhood.

Criteria 4 (a, b, c, d) - Traffic Count; see handout

(a)Minimal impact and no street parking (b) MDRA will utilize the existing driveway and established parking areas with minor improvements,ie, gravel parking area (c) There will be no hazardous material utilized in this business as we are dealing with the safety and welfare of our dogs. (D) More than adequate fencing for the dogs and strict supervision by staff when dogs are outside the building

Criteria 5 - There will be virtually no exterior water use so this question is not applicable.

The building and topography will essentially remain the same as it is now.

Criteria 6 - Quarantine dogs will be housed in a designated heated/air conditioned,insulated, interior sections of the barn. A staff member will attend to the needs of the dogs. Daycare dogs will be exercised outdoors with a chaperone. They will never be outdoors unattended to insure that excessive barking not occur. MDRA intends to be a good neighbor.

Applicant

Mary Mae John E. D.  
(signature)

Date

2/17/2014

*shall see applicant*

- D. **Criteria for a Special Exception.** In order for a special exception to be granted the proposed use or structure shall meet the following criteria;
1. Shall not adversely affect the capacity of existing or planned community facilities.
  2. Shall be an appropriate location for the use or structure with respect to the character of the surrounding area, and shall fulfill all requirements for local, state and federal permit or approval.
  3. Shall not create a substantial increase in traffic in the vicinity.
  4. Shall not create a safety hazard due to:
    - a. Condition or design of roads in the immediate vicinity.
    - b. Location of driveway or parking.
    - c. Danger of fire, explosion or release of toxic fumes or material.
    - d. Equipment or activity which poses substantial danger to children, if in a residential area or proximate to a school or day care facility larger than family care home as defined in this ordinance.
  5. Shall not create a substantial increase in water onto adjacent property or roads.
  6. Shall not create a "nuisance" in the vicinity due to noise, vibration, odor, glare or unsightly outside storage of material or equipment and shall be in conformity with other uses and/or structures in the vicinity.