

ZONING BOARD OF ADJUSTMENT  
268B MAMMOTH ROAD  
LONDONDERRY, NH 03053

DATE: AUGUST 20, 2014

CASE NO.: 8/20/2014-1

Applicant: JOHN AND MARY CARCO  
16 WILSON ROAD  
LONDONDERRY, NH 03053

LOCATION: 16 WILSON ROAD; 16-13, AR-I

BOARD MEMBERS PRESENT: JIM SMITH, ACTING CHAIR  
NEIL DUNN, VOTING MEMBER  
JIM TIRABASSI, VOTING MEMBER  
ANNETTE STOLLER, VOTING ALTERNATE  
DAVID PAQUETTE, CLERK

REQUEST: SPECIAL EXCEPTION TO ALLOW A FAMILY DAY CARE IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 3.12.2.

PRESENTATION: Case No. 8/20/2014-1 was read into the record with one previous case listed.

JIM SMITH: Who will be presenting?

MARY CARCO: Mary Carco, 16 Wilson Road, Londonderry.

JIM SMITH: Ok.

MARY CARCO: We are requesting to put up a small daycare in our home...not looking to hire any employees  
and my maximum is six children.

JIM SMITH: Six children?

MARY CARCO: Yup...that would be the maximum. I have my own three children but they are older and they  
are in school all day. We do have a fenced in yard and plenty of off street parking. It is not going to make a  
difference with the traffic on the road. I don't know if you know Wilson Road but it is already pretty much a  
highway...so...basically that is it.

JIM SMITH: Will you have any employees?

MARY CARCO: No...no.

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JIM SMITH: No employees...I see you want a sign.

MARY CARCO: Yes the...three foot by three foot...nothing big.

JIM SMITH: Ok...hours of operations?

MARY CARCO: Earliest drop-off would be six thirty AM and last pickup would be six PM.

JIM SMITH: How many days a week?

MARY CARCO: Monday through Friday.

JIM SMITH: Ok. We do have a floor plan and it does show that...that is the twenty five percent so...you have covered most of it so I will open it up the board at this point.

JIM TIRABASSI: Now, you said there is a fence on the property?

MARCY CARCO: Yes.

JIM TIRABASSI: Ok, because these pictures are not showing any fencing...where...

MARY CARCO: Yes, the fence is on the back side...it is four feet...

JIM SMITH: It could be dated...

JIM TIRABASSI: Ok...

[Long pause]

NEIL DUNN: If I may, Mr. Chairman? So you are saying you have three children and they are in school...you are not taking the additional...in the ordinance you can have additionally three after school children...so you have no other additional children other than your own coming home...your own three?

MARY CARCO: Right...yeah.

JIM SMITH: Which one is this...?

NEIL DUNN: Family daycare.

ANNETTE STOLLER: May I ask a question, Mr. Chair?

JIM SMITH: Sure...

89 ANNETTE STOLLER: Have you had any approvals from the State for your daycare?  
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91 MARY CARCO: I am in licensing procedure right now...this is one of my steps that I have to take is getting  
92 zoning approval before I submit my application for licensing.  
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94 ANNETTE STOLLER: Ok.  
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96 JIM SMITH: You say you have a fenced in play area?  
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98 MARY CARCO: Yes.  
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100 JIM SMITH: Ok.  
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102 ANNETTE STOLLER: If I may, what are the ages of the children you will be housing?  
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104 MARY CARCO: It ranges from six weeks until six years old.  
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106 JIM TIRABASSI: Where is the fence in relation to the house?  
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108 MARY CARCO: I call it a back yard but it is more like a side yard because the way my house...my house doesn't  
109 face the street...  
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111 JIM TIRABASSI: Your driveway faces in the side of your house...faces there...so it is behind the back of your  
112 house.  
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114 MARY CARCO: Mm-hmm. Yup, there is a deck out back...I don't know if you have the...  
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116 JIM TIRABASSI: Yeah I can see that on the picture.  
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118 MARY CARCO: That...right down those steps is the fence...  
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120 JIM TIRABASSI: Ok...the reason I was asking is because access to it...  
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122 MARY CARCO: Yes, through a sliding door...through the house.  
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124 JIM TIRABASSI: Ok, thank you.  
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126 JIM SMITH: Any other questions? [Pause]. If not I will open it up to the public, any comments? Anybody in  
127 opposition? Anyone in favor?...  
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129 MARY CARCO: I don't see any of my neighbors here...[chuckling]...  
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131 JIM SMITH: Ok...bring it back to the board. Any other questions? Ok, in that case, we will close this case and  
132 we will deliberate on it...try to come up with a decision.

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MARY CARCO: Thank you...

DELIBERATIONS:

DAVID PAQUETTE: I think the...this should be a special exception added based on licensing...health care licensing...I guess that kind of is...

JIM SMITH: Well...

DAVID PAQUETTE: Subject to approval of...the...the...

JIM SMITH: Well she has to get the license anyways...you know...

DAVID PAQUETTE: That's true.

JIM SMITH: I mean it's the State law.

DAVID PAQUETTE: Ok.

ANNETTE STOLLER: We make our decision based on her being granted the license.

JIM SMITH: Well I think it is kind of...because if she doesn't get the variance she can't get the license.

ANNETTE STOLLER: Right.

JIM SMITH: So this is the first step so we grant the variance...special exception...Excuse me, do you understand the special exception is just for you to do it? If you sell the property it ceases at that point.

MARY CARCO: Yes.

JIM SMITH: Ok...so...any other comments? If not, I will entertain a motion.

DAVID PAQUETTE: Mr. Chairman, I would like to raise a motion to approve the special exception request to allow a family daycare in accordance with the provisions of section 3.12.2 for case number 8/20/2014-1.

JIM SMITH: Do I have a second?

ANNETTE STOLLER: Second.

JIM SMITH: Ok...all those in favor...?

ANNETTE STOLLER: Aye.

177 DAVID PAQUETTE: Aye.

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179 NEIL DUNN: Aye.

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181 JIM TIRABASSI: Aye.

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183 JIM SMITH: Aye.

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185 RESULT: THE MOTION TO GRANT CASE NO. 8/20/2014-1 WAS APPROVED, 5-0-0.

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187 RESPECTFULLY SUBMITTED,

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191 DAVID PAQUETTE, CLERK

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193 TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

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195 **APPROVED SEPTEMBER 17, 2014** WITH A MOTION MADE BY DAVID PAQUETTE, SECONDED BY JIM TIRABASSI  
196 AND APPROVED 3-0-1 WITH JACKIE BENARD ABSTAINING AS SHE HAD NOT ATTENDED THE MEETING.