

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

DATE: JUNE 19, 2013

CASE NO.: 6/19/2013-1

APPLICANT: MARY A. FERRIS
2 ARROWHEAD DRIVE
LONDONDERRY, NH 03053

LOCATION: 2 ARROWHEAD DRIVE; 4-65-68; AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR
LARRY O'SULLIVAN, VOTING MEMBER
JAY HOOLEY, VOTING MEMBER
NEIL DUNN, CLERK
JAMES TOTTEN, VOTING ALTERNATE

REQUEST: SPECIAL EXCEPTION TO OPERATE A HOME OCCUPATION IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 3.12.

PRESENTATION: Case No. 6/19/2013-1 was read into the record with no previous cases listed.

JAMES SMITH: Who will be presenting?

MARY FERRIS: I'm Mary Ferris.

MARK MEEHAN: Mark Meehan.

MARY FERRIS: And we live at 2 Arrowhead Drive. I've applied for a special exception for a home occupation as specified under zoning ordinance Section 3.12.1. We hope to set up a workshop in our house to design and build unique components requiring a high degree of accuracy. We also hope to be able to build products that we can sell at craft fairs and the internet. So basically it's a workshop kind of situation. I did put in the hours of nine to five, Monday through Saturday, but we expect it to be part time. Maybe we'll get lucky and it will take up more time. Do you want me to just go through the points?

JAMES SMITH: Yes, please.

MARY FERRIS: Okay. This is going to be carried out in the basement and garage, not in any way in our living space. There will be no impact on the character of the neighborhood. Everything will be inside. There will be no outside storage. We don't want a sign. Our sales will be through some existing business contacts and we will be going to their place of business. Anything that we do related to craft sales or craft fairs would be through craft fairs or the internet. We will not use our home address on anything. We will have a post office

46 box if we need to be, anything that would be on our website. There will be no impact on traffic because we
47 intend to have nothing at our house except for the workshop inside the house and Mark and myself are the
48 only ones involved. There will be nothing visually or any different on the outside of the house. No noise, no
49 sign, no environmental impact, parking is not applicable. We will only be using the workshop inside the house,
50 or the basement and garage.

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52 JAMES SMITH: Okay. Questions from the Board?

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54 JAMES TOTTEN: I have a question.

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56 JAMES SMITH: Okay.

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58 JAMES TOTTEN: So the intent of the business you say is for crafts, craft fairs.

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60 MARY FERRIS: Mm-hmm.

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62 JAMES TOTTEN: The intent that is indicated in the application is for prototype...

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64 MARY FERRIS: And it's both. It's that and we hope to be able to make crafts and things, too from metal, wood,
65 and plastic.

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67 LARRY O'SULLIVAN: What does that have to do with the medical industry?

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69 MARY FERRIS: You want to explain that?

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71 MARK MEEHAN: Well, I have acquaintances in those and in the past I have done complicated computer
72 design work for these people and made some pretty good components for them out of soft metals, aluminum,
73 copper, brass, and plastics. You know, so, eventually like she said, if we get lucky, we would be hoping to
74 make a business out of this and probably move to some commercial location.

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76 LARRY O'SULLIVAN: That's what we would hope you would do if you...

77
78 [Laughter]

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80 JAY HOOLEY: Question, Mr. Chairman?

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82 JAMES SMITH: Sure.

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84 JAY HOOLEY: What would be the proposed size of the items that you would produce?

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86 MARY FERRIS: Small. We're not talking....I mean...

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88 JAY HOOLEY: There's no flatbeds, there's no trucks, there's no...

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90 MARY FERRIS: No, no, no, no.

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92 MARK MEEHAN: No.
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94 MARY FERRIS: Nothing like that. The things that he did...
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96 JAY HOOLEY: You're coming home with stuff in the trunk, you're making it in your...
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98 MARK MEEHAN: Yeah, they'd fit in the back of a trunk of a car or, you know...
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100 JAY HOOLEY: Okay.
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102 MARY FERRIS: And the things he did for other people were...[indicates a small size with her hands].
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104 JAY HOOLEY: Okay. Just wanted...
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106 MARY FERRIS: Yeah. Yeah.
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108 JIM BUTLER: And you had indicated you were going to be using metals?
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110 MARY FERRIS: Yeah.
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112 JIM BUTLER: Will be there any cleaning solvents or anything that you would be using in conjunction with
113 making models?
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115 MARK MEEHAN: No, any parts, lubricants or fluids that would be used in cutting or making any of these
116 materials nowadays is all environmental friendly and is biodegradable and water soluble. So there would be
117 no environmental impact.
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119 LARRY O'SULLIVAN: Do you use any special tools?
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121 MARK MEEHAN: Sorry?
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123 MARY FERRIS: Any special tools?
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125 LARRY O'SULLIVAN: Tools?
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127 MARK MEEHAN: Not really, other than, you know, we would have in saws and some machines. I mean,
128 obviously, we would like to buy some special cutting tools for a mill and a lathe that I have and, you know, but
129 that kind of comes standard.
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131 LARRY O'SULLIVAN: What we're interested in knowing about that stuff isn't so much what you buy and use in
132 the way of the tools. How much noise will they make? Are they going to have an impact noise-wise, smell-
133 wise in your neighborhood? And the thing that...
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135 MARY FERRIS: Yeah.

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LARRY O'SULLIVAN: ...the differentiation that you're going to have that you have to show us is the difference between a home occupation and a home business, right? What we allow is a home occupation. The things that you can do; babysitting, taking care of children, things along those lines. But as soon as you get involved with manufacturing and doing prototyping, lots of red flags go up because it's a residential zone.

MARY FERRIS: Yeah, and we're not really trying to do production. I think that's...

LARRY O'SULLIVAN: Go ahead.

MARY FERRIS: Yeah...

LARRY O'SULLIVAN: Fill me in, please.

MARY FERRIS: Do you want me...?

MARK MEEHAN: We do have a decibel comparison chart here. And if you like, I can give you a copy. It will tell you an electric is at 100 decibels, heavy traffic is at 90, ringing phone at 80, alarm clock at 70, normal conversation is at 60. Well, if you put in...we have a picture of a large CNC manufacturing piece of equipment which is used by bigger companies and it rates in at 70 decibels, so...

MARY FERRIS: Which is just above a normal conversation.

MARK MEEHAN: ...just above a normal conversation. And the fact that, you know, my garage would be insulated and sealed a little bit better than it is now for temperature control, there would be no noise heard outside of the garage for any of this.

NEIL DUNN: If I may, Mr. Chairman? You did not complete the block were it asks if you're going to have an additional employee.

MARY FERRIS: Oh, no.

NEIL DUNN: Okay.

JAMES TOTTEN: And you did say that you wouldn't expect customers to be coming to this location?

MARY FERRIS: No.

MARK MEEHAN: No.

MARY FERRIS: I mean, I don't want it and I want this to be invisible.

LARRY O'SULLIVAN: Can I ask why you're here? Do you have to have a permit? Do you have to have a Federal...?

181 MARY FERRIS: I guess it's because of a home occupation. Because if we're doing something inside the house.
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183 LARRY O'SULLIVAN: Okay. But you don't need a permit to do what you're doing?
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185 MARK MEEHAN: No.
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187 MARY FERRIS: No.
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189 LARRY O'SULLIVAN: To do any other things...
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191 MARY FERRIS: Other than a business license.
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193 LARRY O'SULLIVAN: ...you don't have a...
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195 MARY FERRIS: Yeah.
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197 LARRY O'SULLIVAN: ...State or Federal requirement?
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199 MARY FERRIS: No.
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201 LARRY O'SULLIVAN: Or anything along those lines?
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203 MARY FERRIS: Just a business license.
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205 LARRY O'SULLIVAN: Licenses or what have you.
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207 MARY FERRIS: Right. Just a business.
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209 LARRY O'SULLIVAN: Okay.
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211 NEIL DUNN: Mr. Chairman, if I may? Section 3.12.1.9 talks about things that are not considered home
212 occupations and 3.12.1.9.4 says "machine shops." How are you different from a machine shop?
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214 MARK MEEHAN: Well, a machine shop is defined strictly because it's mostly machining metals constantly on
215 mass production basis. You know, we will not be doing that and a lot of our machines are just simple word
216 working machines as well. Capable of doing both, I mean, in the past, some of the things I built were, you
217 know, exotic type flower boxes out of copper and brass. You know, bird houses and pretty much stuff for
218 around the house, furniture for my kids when they were young. So, I mean, this wouldn't constitute a
219 machine shop. [Indistinct] some of the machines I have, well, if you consider a table saw or a chop saw, radial
220 arm saw and a word working lathe and those kinds of things machine shop, well, you know, it would be argued
221 as to the category it falls into.
222
223 NEIL DUNN: Well, when I hear "metal" and "lathes" and doing metalwork, then I start thinking machine shop
224 and not all machine shops do production. Some do prototypes, as you've spoken to...
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226 MARY FERRIS: And I think that...
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228 NEIL DUNN: So I'm just helping...
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230 MARY FERRIS: Yeah.
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232 NEIL DUNN: Trying to get help clarifying that...
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234 MARY FERRIS: And think...because when you...
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236 NEIL DUNN: ...because that's specifically out of the range.
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238 MARY FERRIS: When you look at that list, those are kind of like dirty businesses.
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240 JAY HOOLEY: I think it just may be an issue of scale that they're trying to...What it sounds like they're looking
241 at is not anything more than...I think you even mentioned bird houses. Somebody might make those and put
242 them up in their own home workshop. It's only that they're intending to take them offsite and sell them that
243 would change what you or I might do in our basement workshop and not sell the item.
244
245 JAMES SMITH: Yeah, my interpretation would be machine shops; it's more the scale of it than anything.
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247 JAY HOOLEY: Again, no flatbeds with iron coming in...
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249 MARK MEEHAN: No.
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251 JAY HOOLEY: Yeah.
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253 MARY FERRIS: Mm-nnn.
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255 JAMES SMITH: Because we have had machine shops, before they had this restriction, as a home occupation
256 and some of them were quite extensive in their scope and the amount of machine they had and so forth and
257 so on. Any other comments?
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259 [No response]
260
261 JAMES SMITH: Is there anybody in the audience in favor of this who would like to speak? Anyone in
262 opposition or has questions? Seeing none of either, I'll bring it back to the Board. Any other comments?
263 Questions?
264
265 [No response]
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267 JAMES SMITH: Do you have any further comments or...?
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269 MARY FERRIS: No.

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271 JAMES SMITH: Okay. At this point, we'll close the public hearing and we'll go into deliberation.
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273 DELIBERATIONS:
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275 LARRY O'SULLIVAN: I had a neighbor who had a request to do wood working in his garage and bring students
276 in on Lawson Farm. And there were 30 neighbors here that came to this meeting. This was 12 or 13 years
277 ago. And while we all know who those people are, it's a matter of the record, they are people who still say,
278 'You know, imagine if we had the hours that they requested, between 3:00 PM and 8:00 PM, all day?'"
279 Listening to that machine. Because he was going to do it in his garage. At the time, the ordinance wouldn't
280 allow for manufacturing but because this was a student oriented thing, there may be a couple of loopholes.
281 So everyone in the audience came up and said, 'What's the difference if, because of the student issue,' I don't
282 know if you remember this one, but I see the people around in town, they're still here, and they never did do
283 their machine shop/wood working shop in their garage because we couldn't allow it. It was outside the
284 parameters. What we would, in fact, be doing would be what at that time people said was that if they were to
285 be exposed to...I forget what the decibel rating was but it was in that neighborhood, around 70 decibels, all
286 day, that's a real problem. That's not what you expect in a residential area. So to play the devil's advocate, if
287 we were to approve...if I was to approve this, it would only be with the restriction that the soundproofing
288 happen and that the garage doors stay closed. So if that's where the business is going to be, let's keep the
289 sound and the impact on the neighborhood within the confines of the business/residence. Other than that,
290 it's too close to manufacturing and prototyping than I think we should allow. So that said, if we would allow,
291 what was it, honey...? The honey...what's that malt that comes from honey?
292

293 JAY HOOLEY: Mead?
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295 LARRY O'SULLIVAN: Mead, right. If we couldn't allow the Mead maker to do his thing, I mean...
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297 NEIL DUNN: We did allow him.
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299 LARRY O'SULLIVAN: We did allow him to do his thing with huge restrictions and how long was he there?
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301 NEIL DUNN: Not long.
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303 LARRY O'SULLIVAN: Two months and he was in his own business someplace else.
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305 NEIL DUNN: Mm-hmm.
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307 JAY HOOLEY: That took off, though.
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309 LARRY O'SULLIVAN: But that's all...that's a great problem to have, is that. I just don't want to be inviting that
310 kind of intrusion into the neighborhood, so that said, with the restriction of the noise baffler, I would go along
311 with this. I think the safety issues regarding your chemicals and the solvents and what have you, I believe Mr.
312 Meehan did say that was something that was easily handled in this day and age with the environmental
313 concerns. So while we can't police that...there's no way for us to tell whether you're using something in there
314 because we don't have anybody...no Building Inspector is going to come out and check it, our concern is

315 always going to be your neighbors, the neighborhood, the character of the neighborhood. We don't want any
316 of those things to change, so...
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318 MARY FERRIS: Mm-hmm.
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320 LARRY O'SULLIVAN: ...that's the idea, is to keep it within it. So if you can live with it...He already mentioned
321 that he would be able to buffer or sound insulate...
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323 JAMES SMITH: Yeah.
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325 LARRY O'SULLIVAN: ...so that's going to be a requirement as far as I'm concerned.
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327 JAMES SMITH: Any other comments?
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329 JAMES TOTTEN: Would you want to consider not having operating hours on the weekend?
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331 NEIL DUNN: That's when everybody else is mowing the lawn, then it wouldn't matter.
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333 JAMES TOTTEN: Very good point.
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335 JIM BUTLER: Good idea.
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337 JAY HOOLEY: That's when anybody else would be using their saw to build the tree house out back, too.
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339 JAMES TOTTEN: Yeah.
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341 JAY HOOLEY: I'd rather not...
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343 JAMES TOTTEN: Fair enough.
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345 NEIL DUNN: I'm kind of going along with....I'm sorry, Jay.
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347 JAY HOOLEY: No, go ahead.
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349 NEIL DUNN: I'm kind of going along with Larry. I do, you know, it's kind of explicit in 3.12.1.9.4, no machine
350 shops and although this may not be a heavy industrial machine shop, that's not...I don't think we would have
351 to make that interpretation. So I'm pretty good with the soundproofing, the garage doors closed and I'm not
352 quite sure how we would handle a neighbor's complaint. I know per 3.12.1.8, "The applicant shall comply
353 with the conditions set forth granting of a special exception and failure to comply would result in revocation,"
354 so I mean, it makes me feel better that there's an out there.
355
356 JAY HOOLEY: We do have a noise ordinance, though, too, so I mean, they would be restricted, presumably, if
357 this were all day long, ongoing, somebody would raise that as an issue. I just don't anticipate that we're going
358 to get there with what's been presented.

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LARRY O'SULLIVAN: And me too. Me too. I mean, there's...

JAY HOOLEY: You know?

LARRY O'SULLIVAN: Things are going to be [indistinct]...

NEIL DUNN: No, I agree, but I just didn't know if we wanted to tie it into some level of complaint to review it further or do we just say soundproofing and garage doors closed?

LARRY O'SULLIVAN: That's what the restriction would be, right?

NEIL DUNN: Right.

JAMES SMITH: You know, one of the things that I've noticed; like the case Larry quoted, we had a whole slew of people...

NEIL DUNN: Oh, no, it's...

JAMES SMITH: And on this one, we got absolutely nobody from the neighborhood is...

NEIL DUNN: And it's a corner lot, it's a beautiful property. Absolutely gorgeous and it's, you know, they're pretty spread out, so I don't foresee it, I'm just...

JAMES SMITH: Yeah.

NEIL DUNN: ...trying again to protect that machine shop thin line there and possible noise, but I guess I'm good with where Larry was at.

JAMES SMITH: Okay, anything else?

[No response]

JAMES SMITH: I'll entertain a motion.

LARRY O'SULLIVAN: I make a motion to approve case 6/19/2013-1 with the restriction that the basement be soundproofed and the garage be soundproofed so that there is no neighborhood interference or disturbance and that the garage doors be kept closed.

JAMES TOTTEN: I'll second.

JAMES SMITH: Okay. All those in favor?

LARRY O'SULLIVAN: Aye.

404 NEIL DUNN: Aye.
405
406 JAY HOOLEY: Aye.
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408 JAMES TOTTEN: Aye.
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410 JAMES SMITH: Aye.
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412 RESULT: THE MOTION TO GRANT CASE NO. 6/19/2013-1 WITH RESTRICITONS WAS APPROVED, 5-0-0.
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414 RESPECTFULLY SUBMITTED.
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419 NEIL DUNN, CLERK
420 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY
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422 **APPROVED JULY 17, 2013** WITH A MOTION MADE BY LARRY O’SULLIVAN, SECONDED BY JAY HOOLEY AND
423 APPROVED 5-0-0.