

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

DATE: SEPTEMBER 18, 2013

CASE NO.: 9/18/2013-1

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

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

BOARD MEMBERS PRESENT: NEIL DUNN, ACTING CHAIR
LARRY O'SULLIVAN, ACTING CLERK
JAMES TOTTEN, VOTING ALTERNATE
JACQUELINE BENARD, NON-VOTING ALTERNATE

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

PRESENTATION: Case No. 9/18/2013-1 was read into the record with one previous case listed.

NEIL DUNN: And who will be presenting?

NEIL DUNN: I would like to make one comment. Typically the board is comprised of 5 members and you need 3 votes in the affirmative for your case...tonight we essentially have 3 members. Jackie just started tonight so she is an alternate and she is more comfortable waiting to get a little more experience so you do have the option to continue the case till next month where we would hopefully have 5 members and therefor statistically your numbers would be better.

MARY FERRIS: We're okay with going forward.

MARY FERRIS: I'm Mary Ferris.

MARK MEEHAN: Mark Meehan (intro)

MARY FERRIS: As you know we were here in June...and we were granted the exception the only difference is we want to do it...it was workshop in our garage and we were going to build a shed on our property to put our things in. And we would like to now use the shed that we're going to build to operate our workshop in.

MARK MEEHAN: I would like to thank the board for the approval in June of the variance we required, however...[chuckle] always a however with these things, when the sound proofing became a requirement,

46 which really wasn't a problem....we had no problem doing that...we looked into the financial fees ability of
47 this, pretty much sound proofing it. Sound proofing is not something you can kind of half do. I has to be kind
48 of done properly so we looked into the financial fees ability versus we didn't look into just building a shed on
49 the property and completely sound proofing it to more comply with the original variance. We found that that
50 was probably more financially a better way to go about it because with the garage doors being the size that
51 they are, you know 19x7, to find something in acoustics for those would have been you know running
52 anywhere from \$10,000 to \$15,000 just for 2 garage doors, in acoustic windows and everything else and
53 sounds boarding the ceilings and the walls and everything just became...you know....pretty much having to
54 rebuild the garage from the inside out. So we than looked into a separate building and we found out that it
55 would probably be more feasibly financially sensible for us to go the route. That's why we decided to come
56 back to the Zoning Board to allow us to that. We didn't happen to have the original requirement that we
57 would be doing it, however this way, you know, getting to be old people is where we would probably rather
58 keep to the ranch for the winter so....

59
60 NEIL DUNN: Any questions from the board?

61
62 LARRY O'SULLIVAN: I'd be interested in hearing a presentation on this one. Part of our...requirements for
63 home occupation is that there be no exterior renovations or no renovations to a home, typically...I'm not quite
64 sure what the section is....

65
66 MARY FERRIS: Well...well we're building it as so that it matches the house and it has future purposes, it's not
67 so that it's just being built for this purpose. I don't know if you have the packet that shows what it's going to
68 look like...it...it basically the pictures is a copy of the shed that we were going to put on the property to put our
69 things in...so we are just building a version of that. It has the fancy windows that match our house.

70
71 NEIL DUNN: Richard if I may we didn't...we didn't define sound proofing and I know...the airport basically for
72 sound proofing really just puts over another layer of sheetrock and then some more windows and AC....so
73 where we didn't define it...[overlapping comments]I guess I'm trying to weight the applicants thought of the
74 cost, my thought is you put in another layer of sheetrock through the whole garage it's not huge money. And
75 so I guess the only thing you would ever have to go by is complaint and then looking at the sound levels,
76 something of that nature, making sure it doesn't exceed.

77
78 RICHARD CANUEL: That's...that's...what you said the board did not specify so when you say soundproofing to
79 me that would mean complete sounds proofing which would than include that garage doors and the
80 windows...in respect to the applicant it would be a considerable expense, something more than just putting
81 additional drywall in the existing garage.

82
83 LARRY O'SULLIVAN: I think we had that conversation though wouldn't the insulation and garage doors closed
84 handle....and sound...I mean...how did you come up with the [clearing of throat] your determination of what
85 was required for soundproofing.

86
87 MARK MEEHAN: Well we just you know like the board member said we actually went to Harvey Windows,
88 they're one big suppliers of acoustic windows and things like that to Manchester Airport, you know...so we
89 asked, having Harvey windows in our homes, if we want to replace these acoustic windows what would the
90 cost be, when they don't normally make acoustic windows for houses because it's not something that is a big

91 requirement. So the standard size that we have in our house is not something that Harvey makes so they
92 would have to make specific acoustic windows for our house which they said would cost anywhere around
93 \$5,000-\$7,000 each. A like than we would go to the garage doors and you can't just put sheetrock on top of
94 sheetrock. The sound boarding that he uses us \$71 a sheet and you're required to put that on all the walls and
95 ceilings and everything of the garage, that's why we looked into the shed where we could actually...and
96 because the equipment we are using is somewhat heat sensitive as well we decided to the shed to be properly
97 sealed from the beginning and foundations up and we have gotten...all the prices for the acoustic windows
98 and doors and probably...and the better thing is a house normally built with 2x4's which is not normal for the
99 requirement for the acoustic walls. They're required to be better insulation and some sound proofing at 2x6.
100 So that's also what we had required on shed. This way the foam insulation requires us to put less we can kind
101 of eliminate the sounds boarding from the inside, put acoustic insulation into the walls and just sheetrock it on
102 the inside. So we looked at the pros and cons of all things that we actually found out that the better way for us
103 to go would be for us to build a shed. That way, like I said, we can maintain the integrity of the garage for the
104 use of storing our vehicles.
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106 LARRY O'SULLIVAN: May I ask how big the shed is going to be...

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108 MARY FERRIS: What size is the shed?

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110 MARK MEEHAN: ...16x28 on the inside. We did an inspection of our property to make sure we kept all the
111 proper distances from the...
112

113 NEIL DUNN: Help me get past section 3.12.1.3 that clearly says no exterior renovations or construction, nor
114 the outside storage of any materials related to the proposed home occupation will be permitted as part of a
115 Home Occupation.
116

117 MARY FERRIS: Be...because we are not building it so it's for this purpose we are building was is a separate
118 garage or shed to match the house, I mean...we weren't doing this business workshop, it's still something that
119 goes with the house, that matches the house it's not for the sole purpose. And actually it's going to be used
120 for storage too...for our personal things.
121

122 NEIL DUNN: Yeah but you're coming here telling us you're building this for the business and the...ordinance
123 says no construction for the business...
124

125 MARY FERRIS: Okay and I guess the idea was to get a building permit but we need to do it this direct...we could
126 build it and then get asked for it...
127

128 RICHARD CANUEL: ...Let me clarify on this Mr. Chairman, if you look at the preceding section...on the
129 ordinance where it says 'home occupation shall be carried on within the single family dwelling or the garage'
130 in a sense for the purposes of the ordinance, the garage could be a detached accessible structure.
131

132 NEIL DUNN: Right...[overlap in conversation]...and then they wrote in the next cause presuming, ok we are not
133 going to have people building new accessories dwellings, or whatever you want to call it, housing business
134 thing, my thought being you know these home businesses are supposed to be very low impact on the
135 neighborhoods and...you have no...you don't have to be here to build a shed.

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MARK MEEHAN: Well because we put down the original requirements this week, we did not want any exterior buildings required when we went to the gentlemen to discuss about business permits and that we decided it would be best to come back to you guys to make sure that we got all the approvals that we would...that would be necessary.

JAMES TOTTEN: Does that shed itself require any variances?

MARY FERRIS: No...

MARK MEEHAN: No...

JAMES TOTTEN: What's the square footage?

MARK MEEHAN: Something over 400 sq. feet...that's the requirement for building permits, if we were to make it a specific size, that's where the square footage is required. If it's below a certain square footage we don't need building permits, if it's above it we do for the specifics of frost line foundation and order.

JAMES TOTTEN: ...and you already said that you do need a building permit.

MARK MEEHAN: Yes...

MARY FERRIS: Yes.

MARK MEEHAN: ...we've already gone about some of these things that's why we realized it, it was better to come back here to conform to the original variance request about sound proofing.

JAMES TOTTWN: Thank you.

NEIL DUNN: Any other questions from the board?

(None)

NEIL DUNN: I'd like to reach out to anyone in the audience who would like to speak...with opposed to the... variance

LARRY O'SULLIVAN: It's not a variance.

SHERRY ATHERTON CROW: I'm Sherry Atherton Crow, 3 Arrowhead Drive. I have trouble with the idea of an additional building for the purposes that they have outlined...because it's a residential area. I'm worried about the resale value of homes in that area. There are a lot of homes, it's a...it's a neighborhood...and I'm wondering if they wouldn't be happier in an area that is a commercial area. There are several around...one is off West Broadway just across 93, left beyond the light at the Cracker Barrel restaurant....there are lots near the airport, also on route 28 north of the Derry Police station and the Londonderry line is quite close

181 there.....and then I don't know if these would work but...the last two would work I mean because they are
182 spaces that are open in shopping plaza's. There's room in the Demoulas Plaza there's also room in Appletree
183 and those would still be Londonderry so they wouldn't have to change....the area...but I just think the
184 additional buildings for business purposes in a residential area would change the character of the
185 neighborhood and would...affect resale of our homes. And speaking for myself, my home is basically my nest
186 egg and....I just...I think it would affect the resale and I think the Zoning Board and zoning laws exist for
187 reasons. They have sectioned off community's for various, various purpose and I think the idea is sound but
188 it's...it's when you have all kinds of different things being built or different purpose then why bother with
189 zoning. But my biggest problem is changing the character of the neighborhood and resale of the homes in the
190 area. Thank you....

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192 NEIL DUNN: Would you like to speak?

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194 ARK MEEHAN: Well I think that you know to answer some of those, we could build the shed out on our
195 property without coming here you know, and I mean we are going to have the shed match the house and we
196 intend to very fine detail with the contractors that we spoke to about making sure it does match the house
197 and did not look like it was a building that did not belong there. We made sure we mentioned that. We can
198 put it legally without the Zoning Board approval and just with a building permit...so you know if could be there
199 for other purpose and throughout the neighborhood nobody is going to know what's in there
200 because....it's...right now we have gone to extremes and build basically sound proof this shed completely. So
201 basically...you know...it would be the same as the building at Manchester Airport and you're just not going to
202 hear any noise coming out of it...you know...so we are going to...you know....I don't see how this can reduce
203 the value of any home in the neighborhood.

204
205 MARY FERRIS: I just want to comment...I think our property, I know some of you have driven by it before,
206 speaks for itself. It's...we have landscapers and it's extremely well maintained, it's one of the most well
207 maintained houses in the neighborhood. It is also my nest egg and I take it very seriously, I want to ensure the
208 character of the neighborhood. I think the house, the way we have maintained it, speaks for itself and how we
209 are very much working with the design of the house and the design of the shed garage.

210
211 NEIL DUNN: Anybody else in the audience want to speak, anybody opposing that would like to
212 speak...Anybody in favor that would like to speak?

213
214 (None)

215
216 NEIL DUNN: I...I guess my...anybody here on the board want to speak? If we were to better define sound
217 proofing or not make it so generic that we're looking to make it so that you could run jackhammers in there
218 and I think that's essentially that's the sounds proofing you're referring to...I think our original discussion was
219 talking about the equipment that you're running is not that loud anyway.. it's like a saw or something which
220 people use all day long...if we were to redefine sound proofing or put a decibel limit....on what...with your
221 equipment and is long as you didn't exceed that you would be considered sound proofing. Would you object
222 to that as opposed to the variance with putting the business in the shed?

223
224 MARK MEEHAN: Well now from the way we have gone from beginning to end here we would actually prefer
225 to be able to put a shed outback for it because you know when we looked into...you know originally the plan

226 was this would basically just a part time plan but you know that was the other reason why we looked into the
227 financial fees ability of getting industrial space because of the cost of everything else and I said you know...we
228 decided well you know it would actually be better for us to leave the garage and basement as it is so we can
229 put our vehicles and everything else in there...that's why we kind of shifted more so to the idea of the shed for
230 that purpose and that's why we talked about building permits and decided to come back here. It would
231 actually be better for us now to go in that direction.

232
233 MARY FERRIS: And I think it might lead us to, if we were to do it that way, still to want to put a garage up for
234 use. I mean it's a...we have a big house so having three garages is nothing compared to the size of the house.

235
236 NEIL DUNN: I guess nobody else has anything...my...my thought it that we often look at these home business's
237 to be again low impact on...or a part time started job and when they get to the point where we are worried
238 about noise and building other buildings...[clearing of throat] that's when I start to say that's when it really
239 belongs somewhere else. So that is the only reason I am reaching out about if we redefined that sound
240 proofing for you because I think that's way excessive for you and pick a decibel limit for you if that would
241 work...that's the only reason I was bringing that up.

242
243 MARK MEEHAN: Well technically like I said when we looked into the sound proofing, there is not a medium
244 aspect to sound proofing...it you know like I said Harvey windows makes one kind of acoustic windows and this
245 is the price they have. There is none other than they make. This is the one they use in the airport and nothing
246 else. And we would need to get new ones specifically made for the garage door because they wouldn't seal
247 correctly. Because you can't by acoustic garage doors 9x7 feet which is actual size. So again no matter whether
248 we did it there or another shed they are going to have to be specifically made so it's not something we can
249 say...you can say...well you can put it as 60 decibels, it's you know...

250
251 NEIL DUNN: But I think your...our discussion of the original application back in June was that the noise level
252 wasn't so loud...and it was really truly a consideration we were just trying to make sure you contain the noise
253 whatever level in was. I'll let it at that....

254
255 JAMES TOTTEN: Yeah...yeah, if I could recall the conversation was around keeping the garage doors closed
256 right?

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258 MARY FERRIS: Right

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260 JAMES TOTTEN: I don't think or remember you mentioning about sound proofing the garage doors. I don't
261 recall that as any intent...

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263 LARRY O'SULLIVAN: I made the motion...I made the motion...and I suggested the restrictions. You know the
264 restrictions are the way I made them and the way they're in the notes here is that there is no neighborhood
265 interference or disturbance. Does that mean that...you can't hear a peep at the next...property line? No we are
266 talking about a disturbance...we are talking about something that is uncomfortable to listen to as opposed to
267 any sound...so I think you took the extreme or maybe we could be extreme in saying that it needed to be
268 soundproof you know....the intention was to make it so that there was no neighborhood interference. So that
269 you could stand at the lot line and hear typical stuff that would happen in somebody's home...because you're
270 trying to operate a business in home occupation in a residential area. So it makes it very difficult for us to say

271 ok we well put up a building and we will approve that...I have a real hard time thinking that we're putting up a
272 business...putting you in a business in a position that you have to build in order to have a home occupation,
273 but you're on residential area and I for one wouldn't ever allow a home to have that type of a change in the
274 character of the home, because every time you put up a building...you know on a lot...you'll...you're changing
275 and altering the character of your home. And by the way you've got neighbors. We also need to be able to
276 protect them as well. That's what I've asked the planners here for. .That's what our Zoning is for that's why
277 you're in residential and my intention originally was this variance request back then was so that there would
278 be no neighborhood interference or disturbance. That's simple as far as I can...I would describe it. You
279 wouldn't need to go to the soundproofing extent that you guys wanted with your estimates...so...my intention
280 was not to make it so that you couldn't hear anything outside that house. And yeah I think addition insulation
281 and proper garage doors, I've got garage doors that are pretty dog gone close to soundproof. I don't do
282 anything special in my garage but park the cars there.

283
284 NEIL DUNN: Richard if I may...the way the [smirking] the variance is writer...or the special exception is written,
285 excuse me, and we said sound proofing, at this point do they need to come back to get a clarification on that.
286 We want to attach anything at this point in this proposal.

287 RICHARD CANUEL: Well the applicant this year now...I think the board can make that clarification right now.
288

289 NEIL DUNN: Oh okay I just didn't know if because we were here for something other than that...alright
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291 MARK MEEHAN: Can...can I ask a question.

292
293 NEIL DUNN: Sure
294

295 MARK MEEHAN: I'm confused...a little bit you know I'm Irish but just to understandable and not well
296 educated... I can technically build a shed without your approval. So I'm confused as to why it is that you guys
297 would object to me actually building it to make it perfect to match the original requirements.
298

299 NEIL DUNN: ...My thought about it, and I'm sure I don't mean to speak for everybody here is when we look at
300 the home business it's usually something that is...internet or paper or something of that nature and although
301 it can be an existing outside accessory building or a standalone garage and you can contain it in there the
302 reason my understanding is you can't build another building or new construction for the home business
303 because that's really starting to make something that...and especially to the degree you're looking at.. my
304 thought is you're really looking to make something that is another building for a business in a residential and
305 our intent is that if you're going to invest that much in it and it's going to be that kind of business it needs to
306 be out of the neighborhood. If you can contain it in your existing structures...now had you come, if you had
307 built the garage, excuse me the shed, and come here yes we would maybe have looked at it differently but
308 because you're building it really for this business although if you were to leave it would have other purposes,
309 to me 3.12.1.3 is very clear that you can't do that construction and we are trying to give you a place to
310 incubate your business as a started but at some point it needs to get out of the residential neighborhood if we
311 are starting to worry about noise and sound and smell and all the other stuff. So that's how I personally look at
312 it.
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314 MARY FERRIS: If we were to build it as a garage for use of our car and then simple come back and do...start a
315 business in our existing garage...

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NEIL DUNN: You have already been allowed except for the sound proofing qualification

MARY FERRIS: Right but would there be anything to stop us from coming back and then asking us to move it form one garage to the next garage?

NEIL DUNN: I don't know if there's anything that can stop you but I think it might look like it was being...

LARRY O'SULLIVAN: because we know what's going on now

MARY FERRIS: Right...but if...right...we are just trying to have enough room for everything but not, you know...

MARK MEEHAN: That's why we came back here you know, our intent was to confirm to the original variance, you know.

JACKIE BENARD: May I ask a question...the machinery in, that you are going to be using do you know what the decibel reading is with those machines

MARK MEEHAN: I don't have them on me now but next time...and you know we mentioned there would be nothing as loud as a jackhammer or anything like that. I mean telephone, you know, skill saw, you know table saw, it will be running along those lines. The distance from any of the neighbors from our house even you know I don't think any of them would complain about hearing noise

JACKIE BERNARD: Thank you

NEIL DUNN: Yes properly state your name and address

DICK CROW: Dick Crow, 3 Arrowhead. I just have a question or a suggestion...if during the operation of their business as it is right now, with the garage doors closed and everything else, if somebody wen there and took decibel readings outside, say in the front corner from their home, what is the acceptable decibel reading per the requirements of the town?

NEIL DUNN: Richard...

[Laughter]

NEIL DUNN: Well just as a reference we don't have a general noise ordinance in town but...part of the performance standards for our commercial zone is that the noise shall not exceed 75 decibels measuring up to the property line. So I think that's a good reference point.

DICK CROW: That's what I sort of had in mind based on my construction experience but I was just wondering if they were willing to say run their operation with the garage doors closed and the windows closed as it is right now and see what kind of sound decibel readings you're getting and if it's 75 or less....

361 LARRY O’SULLIVAN: No harm done
362
363 DICK CROW: Yeah....and if it’s a little bit more than...if they put some sort of insulation...for soundproofing,
364 inside the building itself, they probably wouldn’t have to maybe mess with the garage doors and then redo the
365 decibel readings and see where it is. Thank you.
366
367 MARK MEEHAN: I think 60 is what a skill saw and those kinds of saws are and you know the building would be
368 80 feet from one of our property lines and I think 65 from the other, if my memory serves me right.
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370 MARY FERRIS: Which is wooded...
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372 MARK MEEHAN: Yeah and I think the other thing with the garage is I did mention to some of this equipment is
373 heat sensitive so one way or the other I would probably have to replace the garage doors anyways to create
374 that kind of a seal in there and for that purposes that’s why I looked into the...you know something that was
375 acoustically sensitive.
376
377 MARY FERRIS: It means sealing both our doors and not using the garage.
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379 NEIL DUNN: Okay anything else from the board?
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381 JAMES TOTTEN: No
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383 LARRY O’SULLIVAN: I would suggest that change the restriction from the original variance
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385 NEIL DUNN: Do you want to go into deliberation?
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387 LARRY O’SULLIVAN: No...this is all...we are talking about the same case. This is a special exception we’re
388 talking about. I’m saying we probably don’t need to have special exceptions if we had, I suspect, been more
389 specific restrictions that we placed on the first one. As long as the homeowners willing to pay for the
390 measurements I don’t see any issues with having that done...and leaving it at the 75 decibels at the property
391 line. If that what the commercial was, 75?
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393 NEIL DUNN: Yes but my guess...
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395 LARRY O’SULLIVAN: we don’t have one in the residential area. Want to know why? [Laughter] Anybody? Does
396 it look like they have business’s actual business-business as opposed to home occupations in residential zone?
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398 NEIL DUNN: They are here for ‘as presented’ I think we should....either grant it or deny it and base it on any
399 adjustments we want to make to the original. I guess that would be my...
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401 JAMES TOTTEN: Yeah I just don’t know how to go about doing that right.
402
403 LARRY O’SULLIVAN: Richard...
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405 RICHARD CANUEL: I can make a suggestion on some language...being that this is...case specific, there has to
406 be, you know for specific use here...if the board so chooses not to grant that it's to deny the special
407 exception...for use of an accessory structure for this business and request that the applicant comply with the
408 boards original intent of soundproofing and limit...the noise level to no more than 75 decibels measured at the
409 property line. And I think that would accomplish the more original intent just by clarifying that without
410 necessarily having to rehear the case.

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412 LARRY O'SULLIVAN: We know though that the applicant is asking for this because they feel it's a better
413 solution.

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415 JAMES TOTTEN: How loud is 75 decibels?

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417 NEIL DUNN: Like a lawnmower.

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419 JAMES TOTTEN: No louder than a lawnmower?

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421 NEIL DUNN: Lawnmowers are typically 90...

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423 LARRY O'SULLIVAN: I would suspect that at the same time I run a steel saw in my garage and the doors are
424 open and my wife's on the lawnmower all you can hear is the lawnmower...so...

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426 JAMES TOTTEN: Yeah I'm just looking for the frame of reference...

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428 LARRY O'SULLIVAN: Well my point and purpose of my object I suspect is because we have hours of
429 operation...what was it, 9 to 5 I guess it was...was it 9 to 5?

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431 JAMES TOTTEN: Yeah Monday through Saturday

432
433 LARRY O'SULLIVAN: I wouldn't want to live next to the house that had 75 decibels coming out of it 9-5, period.

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435 MARK MEEHAN: I think we can correctly verify from the last meeting when we showed you the charts of the
436 decibels of these machines and they will not even come close to 75 decibels.

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438 JAMES TOTTEN: So if we're going in that direction, what's a reasonable decibel?

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440 LARRY O'SULLIVAN: I have no clue we would need to ask an expert....I mean put Richard on that one. I mean
441 I've never had any of this brought up before.

442
443 RICHARD CANUEL: There's nothing to reference and like I said the only thing we have as a reference are those
444 provisions...for performance in a commercial zone. And like I say the applicant is saying the decibel level of the
445 machines is no more than 60 decibels but the measurement of the noise by the performance standards, is
446 measures at property line, not necessarily where the work is occurring.

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448 LARRY O'SULLIVAN: So there's dissipation....
449

450 RICHARD CANUEL: Right
451
452 LARRY O’SULLIVAN: When I sold computer printers they use to have the...the...quality point was 55 decibels.
453 Most of the time the business realized speed and stuff was 60 decibels. I wouldn’t want to sit next to that 9-5
454 either so...
455
456 JACKIE BERNARD: ...I just looked up whispers is 15 decibels and normal conversation is 60 decibels and a
457 lawnmower is 90...and a car horn is 110 so that gives me some kind of reference as to the sounds level of what
458 is normal in a residential area.
459
460 LARRY O’SULLIVAN: The things that I would suggest though Jackie is that...car horn or the lawnmower turns off
461 after a couple hours.
462
463 JACKIE BERNARD: Correct...so that’s that reference of the noise...is it Monday through Saturday 9-5...should
464 the business take off what would...what would your feelings be about remaining there.
465
466 MARK MEHAN: Well that was the original plan that we would hope to get a business out of it and move. It was
467 just a beginning but financially it just wasn’t feasible for us to get industrial space you know this time. We
468 were planning on, you know obviously we say this will be a 9-5 job 6 days a week...but that’s probably no
469 what’s going to happen initially. It will probably go for 3 days a week.
470
471 JACKIE BERNARD: Okay
472
473 MARK MEEHAN: That’s probably as much as it will be. I’m thinking...you know maybe a year from now we can
474 get into a big business but I don’t think that’s initially going to happen.
475
476 JACKIE VERNARD: Okay
477
478 NEIL DUNN: Alright so I’d like to close it and bring it to the board for...we still have to go into deliberations
479 so...I’d like to do that and see where the boards at. Anybody have any discussions on the deliberation?
480
481 **DELIBERATIONS:**
482
483 LARRY O’SULLIVAN: Let’s talk about the Master Plan. One of the thing on the Master Plan is more than one
484 building on a lot where it fits...sometimes there barns sometimes they’re sheds and sometimes they’re
485 traditional exterior buildings. We have the ability within our ordinances to handle a lot of that. This is outside
486 of that because it’s a business...so...you know allowing a business expansion of a building to a lot to me is just
487 not a home occupation. I think we are pretty clear in our definitions of home occupations, that’s not it.
488 So...what I would suggest is that we deny the case and make the proviso of the 75 decibels, or James if you
489 prefer some lower number, at the property line and...
490
491 JAMES TOTTEN: (interrupts) Well I was thinking...
492
493 LARRY O’SULLIVAN: ...change the other restriction...
494

495 JAMES TOTTON: Yeah I'm sorry to interrupt, can we change it to be so that there is no neighborhood
496 interference or disturbance. And the garage doors are kept closed.
497
498 LARRY O'SULLIVAN: And put in a decibel...there isn't one...
499
500 JAMES TOTTON: Yeah I know but if we are going to revise this, just the soundproofing terminology.
501
502 NEIL DUNN: I figured I don't know guess reaching out to Richard so if someone complains and it's a
503 disturbance I guess how do you measure that, how do you know the complaint isn't driven by something other
504 than the business.
505
506 JAMES TOTTON: I...I just have a hard time coming to the determination what disturbs...
507
508 LARRY O'SULLIVAN: Interference or disturbance...
509
510 JAMES TOTTON: Yeah, right, what disturbs me versus what disturbs someone else? 60 is a normal conversation
511 so I can't see how somebody can be disturbed. I just...
512
513 LARRY O'SULLIVAN: And it is
514
515 JAMES TOTTON: Right
516
517 LARRY O'SULLIVAN: So you made your point very well I'd say. Nobody wants to be living next to it. That's why,
518 and especially with this kind of construction, I'm sorry manufactured business, 9-5, 6 days a week...
519
520 NEIL DUNN: Will I hear a motion...
521
522 LARRY O'SULLIVAN: [laughter] no....we're still discussing
523
524 NEIL DUNN: Okay, no I...
525
526 LARRY O'SULLIVAN: You wanted to deliberate
527
528 NEIL DUNN: No that's fine, I just thought we were...seemed to be somewhat...
529
530 LARRY O'SULLIVAN: James if you...we talk about those restrictions, I think you're leaning the same way as I am
531 about this.
532
533 JAMES TOTTON: Yes I am
534
535 LARRY O'SULLIVAN: And that your issue is going to be putting the restrictions that we make to the original
536 variance.
537
538 JAMES TOTTON: Right
539

540 LARRY O’SULLIVAN: Correct...okay...75 decibels is what we allow in a commercial zone at the property line.
541 Would that be a fair or safe or a reasonable expectation at the property line in a residential area?
542

543 JAMES TOTTEN: My gut tells me no...
544

545 LARRY O’SULLIVAN: I don’t think so either. That’s why we are going to have differences in zoning as far as I’m
546 concerned. Different expectations. You move into a residential area you don’t expect somebody to be cutting
547 their lawn 9 hours a day...cause if you did, I’d be calling the cops if I had my conversations with the home
548 owner, I would know this is just crazy [light laugh] so we by allowing that to happen here would be creating a
549 problem to change the character of the neighborhood. I do believe Ms. Atherton Crow had the right idea
550 though about our property values because it’s a business, not because of the sound. Just that is an impact or
551 potentially an impact. When you take a look at the yard they do have a beautiful yard, there’s no doubt about
552 it. They have a beautiful home I suspect that we would allow the shed; it will be a great shed and look
553 wonderful. The problems going to be when you stand next to it on the neighbors side on a property, the
554 joining property or in the area what have you done by putting that there and allowing business to change that
555 neighborhood. I believe that is a significant change in the character of where you want to live. The original
556 expectation from the variance that was.... Was from June was so that we would have less intrusion on your
557 neighbors regardless of whether it would be a disturbance or, we don’t have the best words there perhaps...I
558 don’t know what else we would use in the way of terminology but that’s what we have used in the past. And
559 typically the interpretation of that is when your neighbors call the cops or if they call Richard and say we’ve
560 got a problem listening to this that or the other thing. We don’t monitor everything. We don’t have the
561 manpower to do it. So enforcement in this town...is...at best for the major things. We do a great job. There’s a
562 hundred thousand things that we could be enforcing that we just don’t know about and nobodies dropped the
563 dime because that’s what the public is there for. Let the town know something is wrong here, that’s not the
564 way it should be. Okay...sorry...
565

566 NEIL DUNN: No that’s alright. If I may 3.12.1.6 talks to the home occupation will adversely affect the property
567 involved, or neighboring properties, by reason of any unusual sight, light, noise, smell, traffic or other effects
568 of the home occupation. So if we wanted to use the terminology, unusual noise....it can be consistent with
569 that component...and maybe go with a 60 decibel level. I mean I don’t know I’m trying to help there but....
570

571 [Silence]
572

573 JAMES TOTTEN: Which one?
574

575 NEIL DUNN: 3.1....3.12.1.6 gives you the home occupational affect reason of any unusual sight, light, noise,
576 smell, traffic or other effects of the home occupation
577

578 LARRY O’SULLIVAN: [Indistinct] .
579

580 JAMES TOTTEN: No
581

582 NEIL DUNN: No, they’re asking to build a shed to put business in because our soundproofing we didn’t put that
583 definition in.
584

585 LARRY O’SULLIVAN: You mean to qualify his home occupation
586
587 NEIL DUNN: Right
588
589 JAMES TOTTEN: As Richard suggested that’s as close as we can get to what our ordinance is and it’s always
590 open for interpretation. So just add clarity in and add terminology in to what was granted previously. Deny
591 this exception, reword the restrictions and grant it exception. To avoid the interpretation.
592
593 LARRY O’SULLIVAN: Absolute silence
594
595 JAME TOTTEN: Absolute silence.
596
597 LARRY O’SULLIVAN: Okay you’ve got the wording. Do you have anything else to add to that Neil or any
598 concerns...?
599
600 NEIL DUNN: No, that’s where I was going with it as well...
601
602 LARRY O’SULLIVAN: Did you have anything else about the impact we want to include or Master Plan
603 interferences how that helps or hurts. Does it have any other areas in the ordinances where we would be
604 affecting their right to do this type of a business in...?
605
606
607 NEIL DUNN: I mean the Master Plan...talked about changing the Master Plan is great to keep in to
608 consideration but here’s a board and these are the legal documents we have to go by...
609
610 LARRY O’SULLIVAN: Right I know I’ve heard that but how does this work with the Master Plan?
611
612 NEIL DUNN: Its fine...again my understanding...my experience here on the board has been a home occupation
613 but really should not even know anything’s going on there.
614
615 LARRY O’SULLIVAN: Okay
616
617 NEIL DUNN: And this is where we say okay it’s a great incubator you start on the inside and then you move
618 along as it ends, get to the point where you spending large money and trying to make a bigger business out of
619 it so....
620
621 LARRY O’SULLIVAN: Okay
622
623 JAMES TOTTEN: No...no I think it’s in...it’s in complex with the Master Plan and that it’s very clear...so...and I’m
624 fine with what you’re recommending as far as everything.
625
626 LARRY O’SULLIVAN: So you’re ready for a motion?
627
628 NEIL DUNN: I’m ready for a motion.
629

630 LARRY O’SULLIVAN: So the first business is going to be the denying of the special exception to operate the
631 home occupation in accordance with provisions...what have you...

632
633 JAMES TOTTEN: I move that the board deny the special exception request case #918-2013-1 applicants name
634 is Mary Ferris I believe...because the addition of the shed constitutes exterior renovation construction to the
635 home. (Writing as he speaks) Should I continue with the rewording...?

636
637 LARRY O’SULLIVAN: Yes

638
639 JAMES TOTTEN: And also propose a rewording of the restrictions [typing] on case #619-2013-1 to read the
640 restriction so that there is no [jumping between documents]...unusual site, loud, light, noise , smell traffic or
641 further effects of the home occupation to the property involved for neighboring properties.

642
643 LARRY O’SULLIVAN: I’ll second that motion.

644
645 NEIL DUNN: Those in favor.

646
647 LARRY O’SULLIVAN: Aye

648
649 JAMES TOTTEN: Aye

650
651 NEIL DUNN: Aye. Those against?

652
653 (None)

654
655 RESULT: THE MOTION TO DENY CASE NO. 9/18/2013-1 WAS APPROVED, 3-0-0.*

656 * THE BOARD INSTEAD REWORDED THE RESTRICTIONS ON CASE NO. 6/19/2013-1 TO READ “WITH THE
657 RESTRICTION SO THAT THERE IS NO UNUSUAL SIGHT, LIGHT, NOISE, SMELL, TRAFFIC OR OTHER EFFECTS OF
658 THE HOME OCCUPATION TO THE PROPERTY INVOLVED OR NEIGHBORING PROPERTIES.”

659
660 RESPECTFULLY SUBMITTED,

661


662
663 LARRY O’SULLIVAN ACTING, CLERK

664
665 TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

666
667
668 **APPROVED NOVEMBER 20, 2013** WITH A MOTION MADE BY JAMES TOTTEN, SECONDED BY JACKIE BENARD
669 AND APPROVED 3-0-1 (JIM SMITH ABSTAINED AS HE HAD NOT ATTENDED THE MEETING).