

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

DATE: AUGUST 18, 2010

CASE NO.: 8/18/2010-1

APPLICANT: HEIDI H. AND GEORGE F. BROOKS III
8 GORDON DRIVE
LONDONDERRY, NH 03053

LOCATION: 8 GORDON DRIVE, 10-142-3, AR-I

BOARD MEMBERS PRESENT: JIM SMITH, ACTING CHAIR
MICHAEL GALLAGHER, VOTING ALTERNATE
JOE GREEN, VOTING ALTERNATE
JAY HOOLEY, VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/ZONING OFFICER

REQUEST: SPECIAL EXCEPTION TO ALLOW AN AESTHETICIAN PRACTICE AS A HOME OCCUPATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3.12.

PRESENTATION: Case No. 8/18/2010-1 was read into the record with no previous cases listed.

GEORGE BROOKS: Hi, good evening, I'm George Brooks of 8 Gordon Drive.

JIM SMITH: And...?

HEIDI BROOKS: Heidi Brooks.

JIM SMITH: Go ahead.

GEORGE BROOKS: Okay, we're asking for a special exception under Section 3.12 at 8 Gordon Drive, as previously stated. The conditions to be met for a home occupation. The owner of the property must be the applicant for the special exception and that's true. The home occupation shall be carried on by the occupant only within a dwelling or a garage and it will be carried on within the dwelling. It shall be incidental and secondary to the use of the property as a dwelling for dwelling purposes and shall not change the residential characteristics thereof. And it will be within the interior of the dwelling and will not change the characteristics on the exterior. There will be no exterior renovations or construction, nor outside storage of materials related to the proposed home occupation. And the home occupation shall not occupy more than twenty five (25)

percent of the normal living area of the home and I've provided a drawing, which I believe you all have. And in the lower section of the drawing, I've shown the area where the aesthetician room will be, along with a three quarter (3/4) bath. The calculations are it's going to be approximately three hundred and sixty six (366) square feet out of the total twenty three hundred (2,300) square feet on the two (2) floors, which would amount to approximately sixteen (16) percent of the square footage. And only members of the occupant's immediate family residing on the property may be employed and Heidi will be the only employee. We don't believe that the home occupation will adversely affect the property involved or the neighboring properties by reason of any unusual sight, light, noise, smell, traffic or other effects on the home occupation. Pretty much, she sees one (1) client at a time, so there will be one (1) client and then there's usually a ten (10) or a fifteen (15) minute period between clients, so that one will be leaving and one will be coming but there will not be...should not be people there at the same time, essentially. The Board shall consider the adequacy of off-street parking for anticipated customers and I've provided a drawing of the Gordon Drive area. Our improvement in the parking lot to the left of the facility. Left of the improvement. And we believe that there's adequate parking there. And I believe that covers all the points.

JIM SMITH: Will you be requesting a sign?

GEORGE BROOKS: Yes, we have requested a sign.

JIM SMITH: Okay.

GEORGE BROOKS: That cannot exceed three (3) square feet.

JOE GREEN: Did you have that in here? I must have missed it.

LARRY O'SULLIVAN: Under "Application for Home Occupation".

JIM SMITH: Yeah, number six (6).

LARRY O'SULLIVAN: In there, number six (6). There's also what looks like a "cent" sign?

JOE GREEN: Under "freestanding." Yeah, three (3) cents? Okay.

JIM SMITH: Yeah.

JAYE TROTTIER: That's three (3) square feet.

LARRY O'SULLIVAN: Is that what that means?

GEORGE BROOKS: Oh, three (3) square feet. That's a symbol I use for square feet.

LARRY O'SULLIVAN: Okay. You have a recent appraisal? I'm just teasing.

GEORGE BROOKS: No.

[laughter]

LARRY O'SULLIVAN: What's the "improvement" you show in your parking? I see a parking area that you drew...

GEORGE BROOKS: That's the house itself.

LARRY O'SULLIVAN: Okay, fine.

JOE GREEN: How many cars do you think will be able to park at one time in the parking area?

GEORGE BROOKS: I think we could get four (4) vehicles, two (2) abreast and, you know...

LARRY O'SULLIVAN: About how long is the driveway?

GEORGE BROOKS: About forty (40)...about fifty five (55), sixty (60) feet.

LARRY O'SULLIVAN: Okay, is it a two (2) car garage? Under?

GEORGE BROOKS: There's no garage.

LARRY O'SULLIVAN: No garage?

GEORGE BROOKS: Nope.

LARRY O'SULLIVAN: Okay.

JOE GREEN: Would two (2) cars be able to go...one (1) car come up and one (1) car go down in the driveway. Is it wide enough?

GEORGE BROOKS: Yes.

JOE GREEN: Okay.

JIM SMITH: Any other questions?

JOE GREEN: Yup, one more. Sorry.

JIM SMITH: That's okay.

JOE GREEN: We talked about customers. How many customers per day do you think that you'd have and what would the hours be? I mean, obviously, I know the hours of operation already, but when do you think it would mostly happen and the frequency?

HEIDI BROOKS: First thing in the morning, usually and then four (4) to six (6), maybe. I don't have a lot per day. Maybe four (4).

JOE GREEN: So you currently do this now?

HEIDI BROOKS: I do.

JOE GREEN: Okay.

JIM SMITH: Jay?

JAY HOOLEY: I apologize if you stated this and I was busy reading. The hours of operation that you were looking to...?

HEIDI BROOKS: They're just by appointment, really.

JAY HOOLEY: But...

GEORGE BROOKS: We asked for...Wednesday, Thursday, Friday, Saturday, nine (9:00) to five (5:00) and by appointment.

JAY HOOLEY: And that would be outside the nine (9:00) to five (5:00)?

GEORGE BROOKS: I...you know, I guess.

JAY HOOLEY: Or on the alternate days. I guess that's what I'm wondering. You were looking to...?

GEORGE BROOKS: Yeah, there may be, as she's saying, you know, maybe somebody that shows up at five (5:00) and then the service takes a half hour, forty five (45) minutes or an hour after that.

JOE GREEN: So based on your...I'm sorry, were you done with that? Based on your hours of operation, getting back to my question, it really wasn't answered yet. How many customers do you think you would have in a day? The most? Do you think it would be eight (8) customers, once an hour, do you think?

HEIDI BROOKS: No, way too many.

JOE GREEN: Okay. So could you give me a guesstimate, then?

HEIDI BROOKS: That's a lovely thought, though. Thank you. I'd say four (4).

JOE GREEN: Okay.

JIM SMITH: I think what we're all trying to get to; you're probably having a certain number at the moment. What would you...if everything went well, what would be the maximum number that you could possibly see?

Because at this point, we're gonna set some limits. And we don't wanna cut you to a point where you will be...it will be too inflexible for what you need.

GEORGE BROOKS: Well, I think the maximum would be one (1) an hour.

JIM SMITH: Okay. That's what we're trying to get to.

HEIDI BROOKS: Yeah. Okay.

JIM SMITH: In other words, if you say one (1) an hour and we read that in the record, if you get up to that point, you're safe. If you say you're only gonna have four (4) and you get to six (6), now we got a problem.

JOE GREEN: Because of the traffic flow in the streets and...

JIM SMITH: Yeah.

JOE GREEN: ...you know, there's no off-street parking. You have to take all that into consideration, so...

GEORGE BROOKS: Mm-hmm.

JIM SMITH: And the hours, you're set with those from nine (9:00) to five (5:00)? Because that's a specific time frame.

GEORGE BROOKS: Well, again, if she has a client that comes in around the five o'clock (5:00) hour, they will be there 'til about six (6:00).

JIM SMITH: Well, see, that's the problem.

GEORGE BROOKS: So it...

JIM SMITH: In other words, if you want to go to six (6:00), you need to say that. If you're gonna go to five (5:00), five (5:00) would be the time everyone, in other words, your neighborhood, if they were aware of this hearing, would expect that the activity to cease at five o'clock (5:00).

JOE GREEN: Because the hours of operation, that includes, like you said a little bit earlier, I'm glad you brought that up because the hours of operation are nine (9:00) to five (5:00). That may be when you make the appointments, but if you actually open at eight (8:00) taking somebody in or eight thirty (8:30), then we should...when you open and when you're closing. Five (5:00) means you'd have a client at five (5:00), they'd leave by six (6:00) and then you would be closed down. You wouldn't have any more appointments. So...

LARRY O'SULLIVAN: We'd like you to be more specific about when you'll have customers there.

JAY HOOLEY: Mr. Chairman, that's where I was headed. Wednesday, Thursday, Friday, but, in other words, is "by appointment" to include Sunday, Monday and Tuesday? Or is "by appointment" ...?

HEIDI BROOKS: No.

JAY HOOLEY: Okay, that's...

HEIDI BROOKS: I don't work Sunday, Monday or Tuesday.

JAY HOOLEY: At all?

HEIDI BROOKS: No.

JAY HOOLEY: So it would be "by appointment," as you mentioned, was intended to say sometime before nine (9:00) and sometimes after (5:00)? Or, is the "by appointment" during the nine (9:00) to five (5:00)?

HEIDI BROOKS: During the nine (9:00) to five (5:00). I'm not filled up that whole time.

JAY HOOLEY: Just trying to get an idea of the...

HEIDI BROOKS: Yeah.

GEORGE BROOKS: Can we amend it to nine (9:00) to six (6:00) at this point?

LARRY O'SULLIVAN: Yup.

JIM SMITH: Yeah.

GEORGE BROOKS: Okay, then I'd like to amend it to nine (9:00) to six (6:00) PM.

LARRY O'SULLIVAN: Jim, I'm sorry, did you say "no you can't"?

JIM SMITH: No.

LARRY O'SULLIVAN: Oh, I'm sorry, I thought I heard...

JIM SMITH: No. So, what we're trying to do is get a reasonable set of timeframes so everybody is comfortable with it, will work for you and would be acceptable so everybody in the neighborhood knows what's going on.

GEORGE BROOKS: Right. And as was stated, it is Wednesday, Thursday, Friday and Saturday with no Sunday, Monday or Tuesday hours.

JIM SMITH: Okay. Any other questions? Not seeing any, anybody in the audience who would like to speak in favor of this application? Seeing none, is there anybody in opposition? Seeing none, I'll take it back to the Board. Any further questions? If not, we'll take this case under advisement and deliberate at this point.

DELIBERATIONS:

JOE GREEN: So it sounds like we have to be prepared to accept the fact that there could be nine (9) customers. One (1) per hour, nine (9) hours. So, just take that into consideration.

JIM SMITH: Right.

JOE GREEN: Now it's four (4), but if it grows, it'd be nine (9), so...

JIM SMITH: I think that's a reasonable...I mean, given the fact that she's only doing one (1) person at a time.

JOE GREEN: Yup.

JAY HOOLEY: And at very most, then, you'd expect two (2) vehicles; one getting ready to leave and the next one coming in.

HEIDI BROOKS: No.

JAY HOOLEY: At most.

GEORGE BROOKS: Yeah, at most. Correct.

HEIDI BROOKS: If somebody came early...

JAY HOOLEY: You may not be doing, you know...

HEIDI BROOKS: Yeah.

JAY HOOLEY: Being, you know, optimistic.

HEIDI BROOKS: Basically, I do the job, they leave, then I clean up and then the next one...

JAY HOOLEY: Okay.

HEIDI BROOKS: Yeah.

JIM SMITH: Okay. Seeing nothing else, anybody want to make a motion?

LARRY O'SULLIVAN: Motion to approve...

JIM SMITH: Yeah.

LARRY O'SULLIVAN: ...case 8/18/2010-1, special exception at 8 Gordon Drive, the limited hours and days of operation as presented, what was it, nine (9:00) to six (6:00)?

JIM SMITH: Nine (9:00) to six (6:00), yup.

LARRY O'SULLIVAN: And three (3)...or was it four (4) days a week?

HEIDI BROOKS: Yes.

LARRY O'SULLIVAN: Wednesday, Thursday, Friday and Saturday.

JIM SMITH: Do I have a second?

JAY HOOLEY: Second.

JIM SMITH: Jay seconds. All those in favor?

LARRY O'SULLIVAN: Aye.

JAY HOOLEY: Aye.

JOE GREEN: Aye.

MICHAEL GALLAGHER: Aye

JIM SMITH: Aye.

RESULT: THE MOTION TO GRANT THE SPECIAL EXCEPTION WITH RESTRICTIONS WAS APPROVED, 5-0-0.



RESPECTFULLY SUBMITTED,

LARRY O'SULLIVAN, CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED NOVEMBER 17, 2010 WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED BY JIM SMITH AND APPROVED 3-0-1 WITH MATT NEUMAN ABSTAINING AS HE HAD NOT ATTENDED THE MEETING.