

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

DATE: MAY 21, 2008

CASE NO.: 5/21/2008-1

APPLICANT: MACKENZIE LEATHURBY
7 CHARMARAND ROW
LONDONDERRY, NH 03053

LOCATION: 7 CHARMARAND ROW, 6-23-6, AR-I

BOARD MEMBERS PRESENT: MARK OFFICER, CHAIR
BARBARA DILORENZO, VOTING MEMBER
YVES STEGER, ACTING CLERK

REQUEST: SPECIAL EXCEPTION TO RAISE AND BREED PEDIGREE CATS AS A HOME OCCUPATION.

Before the presentation of the agenda items, Mark Officer explained to all applicants the following regarding the number of members present:

MARK OFFICER: Tonight, we only have three (3) voting members of the Board. A full Board is made up of at least five (5) members. Due to some sickness and business related issues, we weren't able to field a full Board. So what this means is that typically, with a full Board of five (5), you require of three (3) or more for the decision to pass. Since there's only three (3) of us, you would require a unanimous vote of three (3) to zero (0) to pass. So, typically, what we do in these situations, to be fair to the applicant, is you have the opportunity to hear your case tonight, in which case, if it were to pass, it would require a unanimous vote, or you could continue your case to the next meeting, which will be the third Wednesday of June. So it's your choice. And then hopefully, we'll have a full Board in June. We have a full Board of eight (8) members, we're down two (2) members right now and then two (2) members are sick or on business, which brings us down to three (3). We're a volunteer Board and we try to get a full Board. Typically, we do. There's no guarantee we'll have one for June but typically, we do have a full Board. This is unfortunate that it happened tonight. So, prior to hearing your case, I'll give you an opportunity as to whether you decide if you want to hear it tonight or continue the case to June.

PRESENTATION: CASE NO. 5/21/2008-1 WAS READ INTO THE RECORD WITH NO PREVIOUS CASES LISTED.

MARK OFFICER: Who will be presenting for the applicant?

MACKENZIE LEATHURBY: That would be me.

MARK OFFICER: Sir, you can just come up and have a seat.

MACKENZIE LEATHURBY: Yes, sir. May I ask for clarification on whether or not I should ask for a continuation?

MARK OFFICER: Mm-hmm.

MACKENZIE LEATHURBY: Can I give the presentation and then ask for a continuation or I must declare a continuation before we have the discussion?

MARK OFFICER: Right, you would have to declare beforehand. So, you need a unanimous vote of three (3) from us. Hopefully, come June, we'll have five (5) or more members. That would be five (5) voting members, that's a full Board, and in which case, you would have a vote of five (5) - zero (0), four (4) - one (1) or three (3) - two (2) to have your special exception granted.

MACKENZIE LEATHURBY: Boy, that's a tough one.

MARK OFFICER: Yeah.

MACKENZIE LEATHURBY: I just...I have a fairly easy thing, you know, to deal with, I feel. So, I...I think my lawyer would tell me to do a continuation but my gut is to just go with, you know, might as well get through it and things, so, I think I'll just proceed.

MARK OFFICER: Okay.

MACKENZIE LEATHURBY: So, I'm here tonight to...it's the Section 3.12, which is a request for a special exception to raise and breed pedigree cats for our home occupation. We started to breed cats a while back, about a year ago, and we've had really good luck at cat shows. The people at the cat shows have loved our cats, especially the other breeders, and they've asked us if we could breed these cats so that some of the other breeders could then continue some of the lines that we've got. We've got a couple of different cats. So, I wanted to talk to you first about meeting the guidelines. I am the owner of a two (2) acre property in Londonderry. The home occupation would be within our dwelling only. It would be incidental, secondary use of our dwelling. We live there and that's primarily what we would do. The exterior work, there would be no need for any exterior work whatsoever. You'll see, I have the diagrams, I believe I have submitted them and if you have copies, that would be great, but you can take a look, it does not occupy more than twenty five (25) percent of the living area. It's somewhere around twenty (20) percent in that we've actually done this in our garage/basement area. If we included that, it would actually be less than fifteen (15) percent of the house. We would require no outside workers whatsoever to work within the home and this will not adversely impact our neighborhood in any way. So, what we're doing here is that we've been going to cat shows and we have international connections. There's been a request from breeders that we have some really beautiful cats, to continue to breed them, to sell them. So we're requesting the ability to be able to sell them. Our number one market for customers is breeders. Certainly, we would sell some pets, so that would be a secondary part. Some people might be interested to buy

these as pets. And we also will create content and media as part of our creative direction. In other words, we do photography of the cats. We've done that for a while. Part of our aspiration and that we've been working on is that we've trained cats, and they're really beautiful, to do certain tricks and, I mean, they can sit like a dog, they love to fetch, we've got them doing summersaults and things. They're really cute. And we've done certain videos and things like that and we have the aspiration to have them in commercials and things. And we've gotten some feedback that that might be a good thing, so, that's part of where we're going with that. So our real direction is to advance the Maine Coon cat and Bengal breeds. Maine Coon cats, you may know, are authenticated as the true American breed of cats that are natural to North America. And our whole goal is to breed them in a holistic environment, socialized by our advanced training and professional care techniques. I have a strong background in psychology. I work with animals. I have lived in New Hampshire now for fifteen (15) years but previous to that, I lived in Colorado and grew up on a ranch and have always had animals, I've always had kind of the, if you will, the whisperer type of thing as they would call it and things. I know how to, you know, talk to cats and different animals and things and get them to do things. It's very easy to do it. We don't keep our cats in cages. We're not into doing any type of a pet thing, you know, that type of a thing that we feel is not a good thing for the cats. The cats are part of our family. We have this area that we have that's our cattery. We have that connected through a tunnel into our house so that we let the cats, if we want to, into the house to come inside. They love it. As I said, we train the cats and we develop media content for them. We're members of The International Cat Association, "TICA," we're members of the International Bengal Cat Society, we're members of the Exotic Cat Network and we've built a pretty good reputation in these organizations so people have been seeking us out. We expect to compete in eight (8) to ten (10) more cat shows in this year. And with that, I'd like to just quickly give you a copy, just a picture of our cats so you can see them. Jaye, should I give this to you or just pass these to whoever is appropriate?

JAYE TROTTIER: You can just pass them...

MACKENZIE LEATHURBY: Could you pass those and I'll come to you on the other side. I've got one more thing to hand out that I'd like to give. So, we excel in this cat psychology and training. Currently, we have a total of fourteen (14) cats. Three (3) of them are our pets. We started off with pets, we didn't know we were going into, you know, cat shows and things but we just fell in love with these cats and we had some really nice cats. So we have three (3) neutered pets which are our upstairs cats, so we have a three (3) floor house and things and these guys are primarily upstairs. We expect our cattery to range from approximately twelve (12) to fourteen (14) breeding cats and that would be the maximum, that would be the limit that we would have. We typically would have one (1) to two (2) litters at a time. We designed a state of the art cattery section and I'll show you what we've done. I have some pictures of the cats. I'll give this to Barbara.

BARBARA DILORENZO: Okay, I'll give you these back. Do we need one (1) for...?

MACKENZIE LEATHURBY: I don't need it but if you wanna give it back or whatever you wanna do...

BARBARA DILORENZO: Do we...? No? Okay. I didn't know if we...

MACKENZIE LEATHURBY: ...for evidence or whatever. But if you take a look, the picture of the cats that you saw, the first picture was of my wife, Luba, with our champion Snowman. He's considered the tenth best cat in the Northeast and we've won first best kitten and second best kitten awards, so those are some of the awards that you're seeing with some of the ribbons and things. All of those are the same pictures, by the way. If you look at the cattery, you'll see that when I say state of the art, you'll see, like there's a little round thing, we've automated the litter boxes. We've been really focused on keeping it extremely clean, so we have painted our cement floor that we have in the basement so it's very easy to keep it clean. We put together cat beds. It's really a cat paradise. I wish I was treated so well, quite frankly. And we even have an aquarium in the cattery so that it keeps the cats from getting bored. Again, part of the psychology and things to keep them. And, you can see, I've got a picture of our ramp, and then I've got a picture of all the cats. This bottom picture is the "first bird of the spring," when the cats were up in the kitchen going, "It's spring, finally!" So, anyway, that's what we have. It's a total cat play land. Again, we've set up cat friendly furniture, beds and tables. So, that's my presentation. That's what I wanted to tell you and find out if you have any questions that you'd like to ask.

MARK OFFICER: Okay, thank you very much. Any questions from the Board?

YVES STEGER: In the application, it's not clear if the basement that you're gonna be using is considered finished or unfinished.

MACKENZIE LEATHURBY: It's unfinished now. I've, you know, added a few things for the cattery. I put together, like a, you know, a rack of cat beds and things but it's an unfinished basement.

MARK OFFICER: Okay.

YVES STEGER: So, in theory, it doesn't even count in the living space.

MARK OFFICER: Right. So, it's not in the twenty one (21) percent.

YVES STEGER: Exactly.

MARK OFFICER: Yeah, I was thinking that. Okay.

YVES STEGER: Yeah. You're not very clear about the number of customers you may have per day. So, what is your...?

MACKENZIE LEATHURBY: I wouldn't have one (1) customer a day. Again, we don't have any hours. We'd have a visit by appointment. We have bought some of these cats from breeders in Texas, California, and the same thing, so a lot of it, we hope, won't even be done via people coming to visit us. We go to all the cat shows and that's where we get the most amount of our business and things. Certainly, we would have some people that would visit us. I would conjecture that we would have no more than one (1) person per week.

MARK OFFICER: And that'd be because some you sell online, some you sell at cat shows primarily. And if you have fourteen (14) max at any given time, all fourteen (14) wouldn't be for sale, correct?

MACKENZIE LEATHURBY: Yeah, and again, it's the litters. We will keep those...

MARK OFFICER: Mm-hmm.

MACKENZIE LEATHURBY: ...you know, those cats, you know, for four (4) years is typically what you do and then after about four (4) years, you adopt the queens out or the male out so that they have their forever home.

MARK OFFICER: Mm-hmm. Okay.

BARBARA DILORENZO: I'd like to ask, delivery. Do you pick them up at the airport or does Federal Express or UPS bring them to you or how does that work?

MACKENZIE LEATHURBY: That's a really good question. We typically, when we got a couple of the cats from Texas, for example, they came on Continental Airlines to Boston-Logan. So we go to pick them up and things, and they're shipped in a carrier. Quite frankly, Continental is my favorite airline for shipping. They're really good with pets and again, when you ship pets, if it's too hot, if it's a hundred degrees down in Texas and things, they won't ship them and things, you have to wait for the weather to be right and things, so, it's actually not a bad experience for the cats. They're treated very well. They're put in a section on the airplane that is pressurized. It's not like they're put in with all the suitcases and things like that. They're put in a really good environment just like we would, except for they have more leg room than we do.

BARBARA DILORENZO: So you don't...

MARK OFFICER: Sounds like a better environment than I had last night.

BARBARA DILORENZO: I know. So, we could rule out, then, truck deliveries, that type of thing.

MACKENZIE LEATHURBY: Yeah, mm-hmm.

BARBARA DILORENZO: And you've been doing this for how long did you say?

MACKENZIE LEATHURBY: Well, about a year ago we got the bug to start doing the cat shows and things, so it's only been, you know, this year that we've, you know, thought about, you know, going into this and requesting the exception 'cause we have had enough requests that, you know, from other breeders, saying "that cat, I want one of those."

BARBARA DILORENZO: So, if you say "ship the cat," you would leave your home, go to the airport or whatever and ship the cat.

MACKENZIE LEATHURBY: Yes. That would be correct. I have some inquiries as far away as Russia and Poland and France and the EU has certain procedures and things. It takes about a two (2)

month quarantine, typically, to do that but we still have people that are very interested to do that because they have seen our cats and TICA, which is International Cat Association, publishes some of the better cats and things and, you know, that helps kind of generate a publicity on an international basis.

BARBARA DILORENZO: Do your cats go outside at all or are they...?

MACKENZIE LEATHURBY: No. No, that's one of the things when we sell them, we have in the contract we don't want them to go outside, it's not fair to the cats to, you know, to do that. The thing that you can do is that you can have them in a screened in area...

BARBARA DILORENZO: Mm-hmm.

MACKENZIE LEATHURBY: ...which they love. You know, we have a screened in area for them.

BARBARA DILORENZO: So, they do go outside then but they're screened in.

MACKENZIE LEATHURBY: Yeah, but it's a screened in, so, I mean, it's got a roof, you know, and stuff and things, so it would be, I mean, it would be how you would consider that but you wouldn't let them run loose, you know, these pedigree cats. It just wouldn't be fair.

BARBARA DILORENZO: And that screened in area exists already, so you've already been doing that?

MACKENZIE LEATHURBY: Yes, that's correct. That's correct.

YVES STEGER: And you have included that screen area in your...?

MACKENZIE LEATHURBY: Yes.

YVES STEGER: ...your calculation?

MACKENZIE LEATHURBY: No, actually, I haven't.

MARK OFFICER: It's exterior.

MACKENZIE LEATHURBY: It's my porch.

MARK OFFICER: It's your porch.

BARBARA DILORENZO: That's your porch.

MACKENZIE LEATHURBY: Yeah, so I didn't include the porch, so that would be, it's probably two hundred (200) square feet. And they don't live there. It's just, we let them out there sometimes.

MARK OFFICER: Anything else, Barbara?

BARBARA DILORENZO: You don't need any license at all through the State or...?

MACKENZIE LEATHURBY: We follow all of the State of New Hampshire regulations and things. All of our cats are up to the appropriate shots. We have a very good relationship with Crossroads Animal Hospital. We also have, and we're very lucky about this, we have a veterinarian doctor who comes to our house if we need him and things, too, so we are in compliance with all of the State of New Hampshire laws.

BARBARA DILORENZO: I think I'm all set.

MARK OFFICER: So, the State of New Hampshire laws regarding breeding, specifically of cats, or...?

MACKENZIE LEATHURBY: You have to have rabies shots and you have to, you know, have appropriate shots and they have to be de-wormed.

MARK OFFICER: Okay. Is there any governing body or regulations in terms of the number of cats per square foot?

MACKENZIE LEATHURBY: No.

MARK OFFICER: Or anything like that?

MACKENZIE LEATHURBY: No, I've talked to my lawyer, John Mackenzie, and he has checked that out and there isn't.

MARK OFFICER: Okay. Why are you here? I mean, you've been doing this for a while, so...?

MACKENZIE LEATHURBY: I just thought this would be a good neighborly thing to do...

MARK OFFICER: Mm-hmm.

MACKENZIE LEATHURBY: ...so that, you know, I wanted to make sure that I was doing everything right and wanted to be open and things, you know, about it and thought it was...I'm not sure that I really need to do this but I wanted to, you know, in case I do need to do it, I wanted to make sure that I wasn't doing something behind your back and...

MARK OFFICER: Mm-hmm.

MACKENZIE LEATHURBY: ...I love Londonderry, I love this area and things, so, I wanna make sure I'm a good citizen.

MARK OFFICER: Okay. Regarding the waste of the cats, how is that disposed?

MACKENZIE LEATHURBY: Oh, that's a really good question because, as I pointed out, we do it very holistically. In fact, the litter that we use is "The World's Best Litter," that's the name of the

brand. It's actually made from corn and certainly, it's biodegradable and things. Now we do throw it out, you know, it goes into the garbage, but it's biodegradable into, you know, the various garbage areas and things, so we feel that we've got a step ahead of most places that use a litter that is not as biodegradable as the stuff that we have. What we do, too, as I pointed out in our cattery, we have an automated system, a thing called a litter robot, and what that does is, it's got this cylinder than takes the cat litter and it filters it and it just takes the poop and puts it into clumps from this corn and stuff and then puts it into a bag and we use paper bags, again, you know, just to keep it biodegradable and things, so, and then dispose of it.

MARK OFFICER: Size-wise, how much litter waste would there be on a per week basis, say?

MACKENZIE LEATHURBY: We probably buy twenty (20) pounds of litter every...about every month. We probably go through twenty (20) pounds of corn litter.

MARK OFFICER: No, I meant like how much you bring out to the garbage, to the street.

MACKENZIE LEATHURBY: So, that would include that, it probably would be the equal amount, you know, of the litter and stuff 'cause after about a month and stuff, you know, it gets all clumped up 'cause the urine, if you will, becomes a clump of the litter, you know, so it's, you know, I mean, it's about this much, if you will, total.

MARK OFFICER: Per...?

MACKENZIE LEATHURBY: Per month.

MARK OFFICER: Per month?

MACKENZIE LEATHURBY: Yeah. Yeah. It's not a lot.

MARK OFFICER: So, per week, it's like the size of a shopping bag, not even?

MACKENZIE LEATHURBY: It's not even. Yeah.

MARK OFFICER: Okay. Alright. So you have three (3) cats that are personal pets.

MACKENZIE LEATHURBY: That's right. That's what got us into this.

MARK OFFICER: Okay. Most home occupations, if they are granted, we put restrictions often times.

MACKENZIE LEATHURBY: Mm-hmm.

MARK OFFICER: So effectively, you're saying that you would have eleven (11) that you're breeding?

MACKENZIE LEATHURBY: We have eleven (11) right now.

MARK OFFICER: Okay.

MACKENZIE LEATHURBY: And as I was saying, we see twelve (12) to fourteen (14), you know, breeders.

MARK OFFICER: Okay. I'd like to put that as a definitive number, so...

MACKENZIE LEATHURBY: Yeah, that's fine. Why don't you make it fourteen (14).

MARK OFFICER: Alright.

MACKENZIE LEATHURBY: And we agree to that.

MARK OFFICER: Okay. Alright, and so there's really no deliveries out of the ordinary to your house for this business.

MACKENZIE LEATHURBY: Nope.

MARK OFFICER: Okay. Alright. No sign, no outside employees.

MACKENZIE LEATHURBY: No signs. No.

MARK OFFICER: Okay. Alright, if there's not any other questions, I'm gonna open it up to the public. Okay, anybody in favor of this request, come up and speak at a microphone.

MACKENZIE LEATHURBY: Luba. My wife.

MARK OFFICER: Okay.

MACKENZIE LEATHURBY: Just say 'yes.'

LUBA LEATHURBY: My name is Luba. I am wife of Mackenzie Leathurby. He's my husband and my life partner and I am so happy that...

MACKENZIE LEATHURBY: Just say you're in favor.

LUBA LEATHURBY: I don't know what...

MACKENZIE LEATHURBY: She'll give you her life story if we let her. Read that into the record. Just say 'yes,' say you're in favor of doing this.

LUBA LEATHURBY: Yes. Yeah. I love cats, too. We don't have kids right now but we will. I have this is my plan.

MACKENZIE LEATHURBY: Me, too.

LUBA LEATHURBY: Yeah, and for now, our cats, it's like our kids and we love them. We, like, always have interesting conversation about them and they...we want to make them happy. It's really true and...

MACKENZIE LEATHURBY: That's all you have to say, Luba.

LUBA LEATHURBY: I...okay.

MARK OFFICER: No, that's fine. You certainly take care of your animals. We get that, so, that's fine. You're on the record as being in favor. Alright, anybody opposed or having questions? Okay, seeing none, I'll bring it back to the Board one more time. Any questions?

BARBARA DILORENZO: No.

YVES STEGER: No.

MARK OFFICER: Okay, just one more question regarding your porch. The porch is on the lower level?

MACKENZIE LEATHURBY: It's...yes.

MARK OFFICER: Okay and it's adjacent to the cattery?

MACKENZIE LEATHURBY: That's right.

MARK OFFICER: Okay. And this porch is also a porch you use to sit and relax or...?

MACKENZIE LEATHURBY: We have our bicycles out there and, you know, some of the other things that we keep outside and things, so...

MARK OFFICER: Okay. Is it screened or glass or...?

MACKENZIE LEATHURBY: Screened.

MARK OFFICER: Okay. So it's a three (3) season porch, effectively?

MACKENZIE LEATHURBY: That's right.

MARK OFFICER: Okay.

MACKENZIE LEATHURBY: Yup. We go out there in the winter, too, but...

MARK OFFICER: Right. Okay. Alright, I don't have any other questions. Okay. Alright, we'll decide on it momentarily.

MACKENZIE LEATHURBY: Thank you.

MARK OFFICER: Thank you.

MACKENZIE LEATHURBY: And how do I find out when you'll decide? Or you'll...

MARK OFFICER: Just sit and wait and you'll find out in a few minutes.

MACKENZIE LEATHURBY: Oh, it's now? Thank you.

MARK OFFICER: Yup.

DELIBERATIONS:

MARK OFFICER: Okay.

BARBARA DILORENZO: I think I know everything I need to know.

YVES STEGER: This is a cut and dry, I mean...

MARK OFFICER: I don't see any...I mean, the thing I was always worried about it impact to the neighborhood.

BARBARA DILORENZO: Right.

YVES STEGER: Yeah.

MARK OFFICER: And I see none. If there were, obviously, the neighbors would have been here.

BARBARA DILORENZO: By now, yeah.

YVES STEGER: Mm-hmm.

MARK OFFICER: They're cats. So they're not gonna be...they're not outside, they're on a porch but it's not like barking dogs or anything like that. They certainly take care of them.

YVES STEGER: [inaudible]...no smell, no noise.

MARK OFFICER: Right.

YVES STEGER: There's no traffic, so, I can't see...

MARK OFFICER: No deliveries.

YVES STEGER: No.

MARK OFFICER: I don't...and the only restriction I can see is limiting it to fourteen (14) as presented.

YVES STEGER: If you desire so...

MARK OFFICER: Yeah.

YVES STEGER: ...but actually, even to meet the law, there is no need to do that. We just wanna...

MARK OFFICER: Yeah, true, and actually, it's in his presentation.

YVES STEGER: Yes.

MARK OFFICER: Twelve (12) to fourteen (14).

BARBARA DILORENZO: Yeah.

YVES STEGER: So...

BARBARA DILORENZO: Mm-hmm.

YVES STEGER: Yup.

MARK OFFICER: Okay, so I'll accept a motion.

BARBARA DILORENZO: I'd like to make a motion to grant case number 5/21/2008-1, Mackenzie Leathurby...?

MACKENZIE LEATHURBY: Correct.

BARBARA DILORENZO: ...am I saying that correct? For a special exception to raise and breed pedigree cats as a home occupation.

YVES STEGER: I second that.

MARK OFFICER: Alright, the motion is made by Barbara and seconded by Yves. All those in favor, say 'aye.' Aye.

YVES STEGER: Aye.

BARBARA DILORENZO: Aye.

MARK OFFICER: Those opposed? Motion carries, three (3), zero (0). Your gut was right, sir.

MACKENZIE LEATHURBY: Thank you so much.

RESULT: THE MOTION TO GRANT THE SPECIAL EXCEPTION WAS APPROVED, 3-0-0.

RESPECTFULLY SUBMITTED,

YVES STEGER, ACTING CLERK

TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED JUNE 18, 2008 WITH A MOTION MADE BY BARBARA DILORENZO, SECONDED BY YVES STEGER AND APPROVED 3-0-2 (LARRY O'SULLIVAN & VICKI KEENAN ABSTAINED AS THEY HAD NOT ATTENDED THE MAY 21, 2008 MEETING).