

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

DATE: NOVEMBER 19 2008

CASE NO.: 11/19/2008-1

APPLICANT: CLAUDIA AND JOAQUIM GOES
198 MAMMOTH ROAD
LONDONDERRY, NH 03053

LOCATION: 198 MAMMOTH ROAD, 6-76-1, AR-I

BOARD MEMBERS PRESENT: MARK OFFICER, CHAIR
VICKI KEENAN, VOTING ALTERNATE
JIM SMITH, VOTING ALTERNATE
MICHAEL GALLAGHER, VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR

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

PRESENTATION: CASE NO. 11/19/2008-1 WAS READ INTO THE RECORD WITH THREE PREVIOUS CASES LISTED.

Clerk Larry O'Sullivan also read Exhibit "A" into the record, i.e. a letter from an abutter.

MARK OFFICER: Who will be presenting for the applicant? If you could just...you've been here before...four (4) years ago, I guess.

LARRY O'SULLIVAN: Four (4) years ago.

MARK OFFICER: So if you could just walk us through why you're here again and explain the business.

CLAUDIA GOES: Basically for the same thing. I'm just moving it in...I'd like to move it in a different room.

MARK OFFICER: Okay.

CLAUDIA GOES: Same exact thing. I think I changed the hours 'cause I didn't know what I wrote on the other one.

MICHAEL GALLAGHER: This is nine (9) to nine (9)

CLAUDIA GOES: So I think I put in nine (9) to nine (9) instead of nine (9) to eight (8).

MICHAEL GALLAGHER: The application says nine (9) to nine (9).

CLAUDIA GOES: Right.

MARK OFFICER: Okay.

LARRY O'SULLIVAN: Yeah, the original...

CLAUDIA GOES: I don't remember what I put on the other one.

LARRY O'SULLIVAN: Nine (9) to eight (8).

CLAUDIA GOES: Yeah.

LARRY O'SULLIVAN: And nine (9) to eight (8) was what was approved.

CLAUDIA GOES: Right.

LARRY O'SULLIVAN: You also have in your letter that you needed room for supplies.

CLAUDIA GOES: Yup. Yeah, we need room for supplies and there's a bathroom, 'cause I don't have a bathroom in the other one. I am requesting an additional person.

MARK OFFICER: I'm sorry, you're requesting what?

CLAUDIA GOES: An additional person, which I didn't have on the other one.

MARK OFFICER: Okay.

LARRY O'SULLIVAN: Employee.

CLAUDIA GOES: Right.

MARK OFFICER: Okay. Non-relative?

CLAUDIA GOES: Relative but not living with me.

MARK OFFICER: Okay. Okay. Can someone just check the calculations of the house while we're talking here? They have it as fifteen (15) percent but it's just a good idea for us to check it.

CLAUDIA GOES: Yeah, check it.

MARK OFFICER: You're moving this to another room, a new addition?

CLAUDIA GOES: The front part of the house, yes. Because the back of it, they'd have to walk all the way in the back now.

MARK OFFICER: Mm-hmm.

CLAUDIA GOES: No walkway. And we did expand the driveway.

MARK OFFICER: Oh, you expanded the driveway too? Okay. Will that be...?

CLAUDIA GOES: And no, those weren't clients on the road [see Exhibit "A"].

MARK OFFICER: So, your...so you'll still only have one (1) client at a time?

CLAUDIA GOES: I will still have one (1) client at a time. But I need extra help in the salon.

MARK OFFICER: Okay. And there will be parking for that one (1) client?

CLAUDIA GOES: Yeah.

MARK OFFICER: Okay.

CLAUDIA GOES: Oh yeah.

MARK OFFICER: Okay.

CLAUDIA GOES: As you can see, I think I drew that also.

MARK OFFICER: Okay.

RICHARD CANUEL: Mr. Chairman, if I could interject...

MARK OFFICER: Sure.

RICHARD CANUEL: I knew the calculations on the square footage would be an issue, so to try to simplify matters, I kind of put it on a program here...

MARK OFFICER: Oh, sure.

RICHARD CANUEL: Hopefully you can see that on your monitors there if you've got that in front of you.

MARK OFFICER: What do we do to see it?

JAYE TROTTIER: It's listed as the "Goes salon" and it says "Building Inspector's presentation," it's a Microsoft PowerPoint. It's where all the regular folders are. It's not in the "November" folder.

VICKI KEENAN: Go into the "ZBA" folder.

MARK OFFICER: Go into what?

VICKI KEENAN: The "ZBA" folder. Right there and it'll be right there on the bottom.

MARK OFFICER: Oh. Does everybody have it?

LARRY O'SULLIVAN: Yup.

MARK OFFICER: Okay.

RICHARD CANUEL: Got it? Okay. So basically, what I did is I did a comparison of...now mine isn't responding. Oh well. Let me plug this back in. What I did is I took the numbers, based on what our assessing records show for the existing property. Let me plug this back in, see if I can get something done here. Compare that to the square footage for the new addition and came up with some numbers there. You can probably see that on your screen but for some reason I'm no longer getting it here. I apologize for that. Let me just try to get this up here.

[Aside comments related to the technical difficulties]

RICHARD CANUEL: Well, at any rate, what you can see on your screens anyway is a comparison of the total numbers and as the numbers work out, compared to the twenty five (25) percent that's allotted, they're well within the twenty five (25) percent.

MARK OFFICER: Okay.

RICHARD CANUEL: Basically, the new addition and that area that they want to use as a salon equates to about five hundred and fifty two (552) square feet compared to the total living area which excludes the accessory apartment 'cause that's not part of the normal single family living area. It comes to a total of two thousand four hundred and seventy nine (2,479) square feet. At twenty five (25) percent, that would allow them six hundred and twenty (620) total square feet, so they're well within the limits as far as square footage goes, so...

MARK OFFICER: Alright, well, good, thank you for the presentation. Sometimes it's confusing as to how this is calculated, so that's why we like to check it and...

JOAQUIM GOES: That's fine.

CLAUDIA GOES: That's fine.

MARK OFFICER: And you did a very thorough job, so you're within the twenty five (25) feet, so...

RICHARD CANUEL: Certainly. Yup.

LARRY O'SULLIVAN: Twenty five (25) percent.

MARK OFFICER: Twenty five (25) percent, I'm sorry. Okay, any questions from the Board?

JIM SMITH: On the employee, you said the person doesn't live there?

CLAUDIA GOES: Right.

JIM SMITH: Well, that doesn't fit the...

MARK OFFICER: I think they're allowed one (1), aren't they?

JIM SMITH: Yeah, but it's supposed to be somebody living there.

CLAUDIA GOES: Yeah, that was confusing.

RICHARD CANUEL: Yeah, but...

VICKI KEENAN: It says that we could...

CLAUDIA GOES: Right, with...

RICHARD CANUEL: Yeah, by the ordinance, they are allowed to employ one (1) additional person who is not a member of the family or so forth.

CLAUDIA GOES: That's what I understood. It kind of contradicts itself, doesn't it?

JIM SMITH: Well, the way it reads is "In order to qualify as a home occupation, only members of the occupant's immediate family residing on the property may be employed."

CLAUDIA GOES: But then read on...

MARK OFFICER: Yeah, that's the next sentence.

JIM SMITH: "Upon request, the Board of Adjustment is authorized to permit the employment of one (1) additional employee on site."

RICHARD CANUEL: Yeah, so the Board can make that condition, so...

LARRY O'SULLIVAN: So it is different, though, because we did limit you with the restriction.

CLAUDIA GOES: Right.

LARRY O'SULLIVAN: Okay.

MARK OFFICER: So, 3.12.1.5, we have the ability to permit one (1) additional employee on site.

CLAUDIA GOES: Right.

MARK OFFICER: Okay.

VICKI KEENAN: Can I ask a question? Explain the parking situation, is there enough parking for one (1) employee and one customer?

CLAUDIA GOES: There is a lot a lot of parking now. I did a diagram there. I don't know if you can see it. The other part, I don't know what she was talking about on the road [see Exhibit A], it could have been when they were doing construction.

JOAQUIM GOES: There was...

CLAUDIA GOES: There was a lot of cars on the road when they were doing construction.

JOAQUIM GOES: That happened about six (6) months. Now it's leveled off.

VICKI KEENAN: Okay.

JOAQUIM GOES: I think the only time you're gonna see more cars on the road is snow, I have to move cars out or sometimes we have a family function and, you know, we try to schedule it on weekends, but...

MARK OFFICER: How many cars, typically, do you have in the household?

JOAQUIM GOES: Three (3).

CLAUDIA GOES: Three (3).

MARK OFFICER: How many?

JOAQUIM GOES: Three (3).

CLAUDIA GOES: Three (3).

MARK OFFICER: Three (3)? Okay. Are your kids driving age?

CLAUDIA GOES: One (1).

JOAQUIM GOES: One (1) is in college, away.

MARK OFFICER: Oh, no. When he's home, that probably explains the off street parking, right?

JOAQUIM GOES: Yeah, that's it. Well, we don't like anybody parking on the streets.

CLAUDIA GOES: No, she doesn't have a car, so...

MARK OFFICER: Or friends or whatever, when they come over.

CLAUDIA GOES: No.

JOAQUIM GOES: We generally like to move them in the parking areas which we have an abundance of on the right side, as you drive on the right side, there's plenty.

MARK OFFICER: Okay. So you have room for five (5) cars and your three (3) plus your employee plus...

CLAUDIA GOES: Then some, yeah.

JOAQUIM GOES: Yes.

MARK OFFICER: And then some?

CLAUDIA GOES: We have three (3)...

JOAQUIM GOES: That's like pulling into the right, and then we have the driveway open. If we wanted to put people in the driveway, which we don't want to 'cause we're not...the customer, all of us want to maneuver in and out.

CLAUDIA GOES: Right.

JOAQUIM GOES: So, yes.

CLAUDIA GOES: So, there's a driveway part where we don't let no one park so you can go in and out, back up in and out. That's all this part.

MARK OFFICER: Right.

CLAUDIA GOES: Is like, probably eight (8) parking spots.

MARK OFFICER: Okay.

CLAUDIA GOES: If not more.

MARK OFFICER: Okay. Alright, any other questions?

JIM SMITH: Are they gonna have a sign?

JOAQUIM GOES: A sign?

CLAUDIA GOES: We already have a sign.

JOAQUIM GOES: Yeah, it's two (2) by three (3) and I don't think we wanna make it bigger.

CLAUDIA GOES: I don't think it's a two (2) by three (3).

LARRY O'SULLIVAN: It shouldn't be two (2) by three (3).

RICHARD CANUEL: No, it's not even...

CLAUDIA GOES: It's not a two (2) by three (3).

LARRY O'SULLIVAN: A one (1) by three (3) maybe, but...

JOAQUIM GOES: One (1) by three (3)?

CLAUDIA GOES: Yeah.

MARK OFFICER: You're allowed three (3) square feet.

CLAUDIA GOES: Right. It's well under that.

JOAQUIM GOES: It's pretty close. I mean, it could be eighteen (18) inches by three (3).

CLAUDIA GOES: No, it isn't.

JOAQUIM GOES: Alright.

CLAUDIA GOES: Anyways...

LARRY O'SULLIVAN: I guess one of the things I do have a concern about is that one of the restrictions that you had volunteered and we approved and made it a restriction last time or in '04 was that you had one (1) customer at a time.

CLAUDIA GOES: Right.

LARRY O'SULLIVAN: And you're still requesting that you...

CLAUDIA GOES: Well, I guess if I have...

LARRY O'SULLIVAN: I'm sorry, can we still put the restriction, without any hardship, with having an employee and yourself there? I would assume that you're adding a chair or...

CLAUDIA GOES: Well, yeah, that's right, it would be one (1) for me and one (1) for the other, yeah.

LARRY O'SULLIVAN: Right.

CLAUDIA GOES: Right. That's right.

LARRY O'SULLIVAN: So then you would also be asking to lift that restriction as well.

CLAUDIA GOES: So I guess I'd be asking for that, too. Right.

MARK OFFICER: So it's two (2) customers at a time.

CLAUDIA GOES: Well, one (1) for me and one (1) for...yeah, yeah.

MARK OFFICER: Well, I'm thinking of the...

CLAUDIA GOES: Yes, you're right.

MARK OFFICER: ...at a site basis. Alright.

CLAUDIA GOES: Yeah.

JOAQUIM GOES: 'Cause we went to two (2).

MARK OFFICER: Okay, any other questions?

LARRY O'SULLIVAN: Would there be any other changes to the business?

CLAUDIA GOES: No.

LARRY O'SULLIVAN: Would you still be working 'appointment only'?

CLAUDIA GOES: Yes. Which is on my sign. It says on my sign also.

MARK OFFICER: And your supply room, you're just keeping regular supplies for the business?

CLAUDIA GOES: Yes, it's just I didn't...and I don't know if you have the dimensions to my old one, but there is no supply room, so...

MARK OFFICER: Oh, okay.

CLAUDIA GOES: I had to kind of block it off with something. It's crazy.

JOAQUIM GOES: I know, it's tight. She's working off, like a twelve (12) by fourteen (14) room.

CLAUDIA GOES: A room.

JOAQUIM GOES: For four years, almost four years?

CLAUDIA GOES: Yeah.

JOAQUIM GOES: Yeah, something like that.

CLAUDIA GOES: It's been tight since the beginning but, you know, that's all we had.

MARK OFFICER: So you have your hours here listed as nine (9) to nine (9), right?

CLAUDIA GOES: Yes. That can stay nine (9) to eight (8). I just didn't know what I put last time 'cause I...I only work part time, I don't even work every day, so...

MARK OFFICER: Right, so you're really not working nine (9) to eight (8) every...

CLAUDIA GOES: No, but I put that just, you know, if I'm working, not in the morning, if I have an evening appointment instead, I would have to have approval for those hours, right?

MARK OFFICER: Okay, and the other employee, that would be the same thing?

CLAUDIA GOES: That would be the same thing, part time.

MARK OFFICER: Depending on the clients, it may be more towards night or morning, whatever their schedules are?

CLAUDIA GOES: Right.

MARK OFFICER: This employee, is she working now for you?

CLAUDIA GOES: No.

MARK OFFICER: Okay. How many appointments do you have per day or per week, on the average?

CLAUDIA GOES: It all depends. Probably, I would say the max I've had was, I'll say ten (10).

MARK OFFICER: Ten (10) per week? Okay. And you expect the other person to have ten (10) per week or...?

CLAUDIA GOES: I'm not sure actually.

MARK OFFICER: Okay.

CLAUDIA GOES: But I can restrict her.

MARK OFFICER: Okay. Well, ten (10) per week, so we're talking...

CLAUDIA GOES: I'm really like, part time-part time.

MARK OFFICER: Yeah, and that talks about...and Saturday, too, do you take appointments?

CLAUDIA GOES: Yeah, Saturday morning. Yeah.

MARK OFFICER: Okay, so for you only, you're talking one (1) or two (2) a day, is that a fair assessment right now? On average.

CLAUDIA GOES: Well, yeah, just say two (2) a day on average.

MARK OFFICER: Okay.

CLAUDIA GOES: I like to cram them in a day.

MARK OFFICER: You like to what?

CLAUDIA GOES: I like to cram them in one (1) day than to spread them out, do you know what I mean?

MARK OFFICER: Oh, I see.

CLAUDIA GOES: So I'm only working, maybe two (2) or three (3) days in that week instead of the whole week.

MARK OFFICER: Okay.

JIM SMITH: Would the days change from one (1) week to another?

CLAUDIA GOES: The what?

JIM SMITH: The days that you work, would they change?

CLAUDIA GOES: Oh, yeah.

JIM SMITH: Okay. So, you're looking for flexibility, basically.

CLAUDIA GOES: Right. I can't...yeah, but with people, you can't set certain hours.

JIM SMITH: Are you settling on the nine (9) to eight (8) or the nine (9) to nine (9)?

CLAUDIA GOES: Well, if you approve the nine (9) to nine (9), I'll do the nine (9) to nine (9) but nine (9) to eight (8) is still fine, too.

LARRY O'SULLIVAN: But your request is nine (9) to nine (9).

MARK OFFICER: Okay. Any other questions? Alright, I'm gonna open it up to the public. Anybody opposed or having questions? Seeing none, anybody speaking in favor of the request? Seeing none, we'll bring it back to the Board. Okay, any other questions?

RICHARD CANUEL: Yeah, Mr. Chairman, if I could just ask the applicant a couple of questions, just so we can get some clarification on a couple of issues here before we go too far. You stated that you're gonna have an additional employee, so you're also gonna have an additional chair for that employee, so now you're gonna have two (2) chairs versus the one?

CLAUDIA GOES: Right.

RICHARD CANUEL: Okay. That's one of the things I needed clarification of because...

CLAUDIA GOES: But it's still one (1)...

RICHARD CANUEL: If you'll recall, when you first did the application for the salon, you had to redo your septic system...

CLAUDIA GOES: Right.

RICHARD CANUEL: ...which had to be upgraded to include the additional loading for the chair and I think the loading's at a hundred and eighty five (185) gallons a day for each chair. You would have to go through that same process for the additional chair. I don't know if you were aware of that but you should probably be aware now. You would have to get your septic system redesigned. You don't have to install the system until this existing system were to fail but you do have to get a new design done.

CLAUDIA GOES: Really?

RICHARD CANUEL: And what that does is ensure that the property can accept the additional loading, so you would...

CLAUDIA GOES: Even though I just did that?

RICHARD CANUEL: Yeah. Well, you had the design done for one (1) chair. You would have to have the design done to include two (2) chairs. That's the caveat there.

CLAUDIA GOES: Oh, yeah. Okay.

RICHARD CANUEL: So you would have to go through that process. Just so you know that.

CLAUDIA GOES: Yeah.

RICHARD CANUEL: Okay. I just wanted to make that clarification, so...

MARK OFFICER: So when they get their septic done, they have to...I'm confused when they have to do something.

CLAUDIA GOES: It's confusing.

RICHARD CANUEL: I know. We had spoken about this issue...

MARK OFFICER: I remember this came up, yeah.

RICHARD CANUEL: Yeah. What the requirement is, if the existing system is functioning properly, there's no requirement to replace it but there is a requirement for a design to be done to ensure that the property can accept the additional loading should the system fail in the future.

CLAUDIA GOES: Even though I have a brand new system that just got put in?

JOAQUIM GOES: It's state of the art.

RICHARD CANUEL: Yup. You would have to go through that process.

CLAUDIA GOES: Okay.

JOAQUIM GOES: Ten thousand (10,000) dollars.

RICHARD CANUEL: You know, if you had considered doing this, you know, at some point in the future, you probably should have addressed it at that point. But...

CLAUDIA GOES: Well, I wasn't considering it. That's the thing.

RICHARD CANUEL: Yeah, see, you would have to go through that same design approval process again.

CLAUDIA GOES: Okay.

RICHARD CANUEL: Like I say, you don't have to put the system in. But you do need to go through that approval process.

CLAUDIA GOES: Just to have it on paper?

RICHARD CANUEL: Yeah.

MARK OFFICER: Okay.

LARRY O'SULLIVAN: It has to be filed with the Town.

RICHARD CANUEL: Yes.

LARRY O'SULLIVAN: In order for you to actually have this...

RICHARD CANUEL: The same process.

LARRY O'SULLIVAN: ...special exception

MARK OFFICER: That has to be done before. I'm sorry, Larry. That has to be done before she's allowed to have...

JOAQUIM GOES: A second chair.

MARK OFFICER: ...another person working with the second chair, right?

JOAQUIM GOES: Is that what you're saying?

RICHARD CANUEL: Well, this Board could, if they so choose, can still grant the approval to have the additional employee and the additional chair, it's just a matter before they open for business with that second chair, they should have that system completed and approved.

CLAUDIA GOES: Now, a question; what if we were using the same chair?

RICHARD CANUEL: If you're only using one (1) chair, then the number of employees doesn't matter as far as the State is concerned. It's just the operational chair itself, so...

CLAUDIA GOES: Okay.

RICHARD CANUEL: 'Cause the design is based on the number of chairs. Like I say, a hundred and eighty five (185) gallons per day loading for each chair, so...

CLAUDIA GOES: Okay.

MARK OFFICER: Okay.

LARRY O'SULLIVAN: So is your request still for two (2) chairs?

CLAUDIA GOES: I should put it in for two (2) chairs, just in case.

MARK OFFICER: We...

CLAUDIA GOES: I have to talk to her.

MARK OFFICER: Well, not to deliberate but we can work around that. We can say if there's two (2) chairs, this is contingent upon approval of the septic design process.

CLAUDIA GOES: Right.

RICHARD CANUEL: Yeah, well, the Board can do that as a condition. Do the approval based on reasonable approval from the State. You know, the design may not be able to accommodate an additional chair loading. So you could do that as a condition of the approval.

MARK OFFICER: Right. Okay. Any other questions? Alright, any other comments? Alright, thank you. We'll deliberate now and vote on it. During deliberations, we can't take any further input from the public.

DELIBERATIONS:

LARRY O'SULLIVAN: I think the things we were considering the last time was that it is Mammoth Road and it is a busy road and we want to ensure that no cars are parked on Mammoth Road and the other thing was that there were no issues with the neighbors, there was no space issue and it seems pretty obvious that it is a part time kind of a not quite so formal business and this may be making it a little bit more formal but at the same time, it's still pretty flexible, open. I don't suspect we'll be seeing barber polls and, you know, those red and white poles in front of the house or anything, so, I don't have any issue with this.

MARK OFFICER: Yeah, I mean, four (4) years she's been in business and no one's complained. I see one (1) restriction, Richard mentioned one (1). If a second chair is added, it'd be contingent upon design approval from the State and then we would have to grant for the right to have one (1) additional employee.

JIM SMITH: Well, since they have to have a State approval of a septic system to put the second chair in, I think we just need to grant the right to have that second employee. I don't think you have to put that kind of restriction in. They're gonna have to do that anyways.

MARK OFFICER: Well, if she keeps one (1) chair.

JIM SMITH: Then she could have one, take turns using that one (1) chair.

MARK OFFICER: Right, and then she doesn't need the septic approval. Yeah, that's what I'm saying. So if she adds a second chair...

JIM SMITH: But then the State law kicks in.

MARK OFFICER: Yeah, true.

VICKI KEENAN: Do you have to apply the previous conditions about the hours and by appointment only? Or do they carry through.

MARK OFFICER: We should restate them. I mean, we don't have to state the hours because they're stated here. This might have been before we had the form that they fill out with all this. I can't recall when we implemented that but...

JAYE TROTTIER: No, there is a copy of the form that they signed, so...

MARK OFFICER: Oh, okay. Alright, so the hours are nine (9) to nine (9) unless we wanna change them. And we should say one (1) employee at a time. That's a good point.

LARRY O'SULLIVAN: One (1) employee at a time?

MARK OFFICER: Oh, I'm sorry, one (1) customer at a time.

LARRY O'SULLIVAN: As opposed to two (2) customers at a time.

MARK OFFICER: Oh, that's right, yeah.

LARRY O'SULLIVAN: With the second chair, that's why the State puts their restrictions on the number of gallons is, I'm sure, because they are expected to pump a hundred and eighty, whatever it is, gallons per day per chair.

MARK OFFICER: Right. Yeah, which seems almost moot when you're part time but, yeah. Yeah, you're right. So the restriction would be two (2) customers at any given time at most. Okay. And she has parking off the street for them. Don't have to worry about additional traffic on Mammoth. I'm looking through 3.12.1, I don't see anything else that's of concern. She meets the requirement in terms of square footage.

JAYE TROTTIER: Do you want to say anything about the sign?

MARK OFFICER: Well, the sign, it's in the application as three (3) square feet so I guess it would be a case of Richard or Frank enforcing it.

JAYE TROTTIER: Okay.

RICHARD CANUEL: That would be an enforcement issue.

MARK OFFICER: Yup. Okay. So it's the customers one (1) at a time and one (1) outside employee is all we're looking at. Anybody opposed to this?

MICHAEL GALLAGHER: No.

MARK OFFICER: Okay. Alright, well, I'll accept a motion to...

LARRY O'SULLIVAN: Mr. Chairman, I'd like to make a motion to approve the special exception for this case, the 198 Mammoth Road, accepted as presented with the restriction that only two (2) customers at a time be allowed on the premises and I guess that would be in cite of the safety issues

that we concerns about on traffic on getting in and out of the driveway on Mammoth and I suspect that ought to do it.

VICKI KEENAN: The outside employee.

MARK OFFICER: You said one (1) employee?

LARRY O'SULLIVAN: Yes.

MARK OFFICER: One (1) additional employee?

LARRY O'SULLIVAN: Mm-hmm.

MARK OFFICER: Oh, you said that?

LARRY O'SULLIVAN: No, I didn't say anything about one (1) employee but...

MARK OFFICER: We have to specifically grant that.

LARRY O'SULLIVAN: Okay, then I'll start over. I propose that we grant the special exception with the restriction that only two (2) customers be allowed on the premises at a time and that the second employee be the only other employee at a time.

MARK OFFICER: Okay.

VICKI KEENAN: I'll second.

MARK OFFICER: Alright, seconded by Vicki. Do we have discussion? Alright, those in favor, say 'aye.'

JIM SMITH: Aye.

MICHAEL GALLAGHER: Aye.

VICKI KEENAN: Aye.

MARK OFFICER: Aye.

LARRY O'SULLIVAN: Aye.

MARK OFFICER: Those opposed? Abstained? Okay, it passes unanimously.

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 DECEMBER 17, 2008 WITH A MOTION MADE BY LARRY O'SULLIVAN,
SECONDED BY MICHAEL GALLAGHER AND APPROVED 3-0-3 (YVES STEGER, NEIL DUNN
AND BARBARA DILORENZO ABSTAINED AS THEY HAD NOT ATTENDED THE MEETING).