

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

DATE: APRIL 16, 2014

CASE NO.: 4/16/2014-1

APPLICANT: BRIAN C II AND REBECCA LEHMAN
44 SHERWOOD ROAD
LONDONDERRY, NH 03053

LOCATION: 44 SHERWOOD ROAD; 9-9-59; AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR
NEIL DUNN, VICE CHAIR
JIM TIRABASSI, VOTING MEMBER
JACQUELINE BENARD, VOTING ALTERNATE
DAVID PAQUETTE, CLERK

REQUEST: SPECIAL EXCEPTION TO ALLOW A FAMILY GROUP DAY CARE IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 3.12.2.

PRESENTATION: Case No. 4/16/2014-1 was read into the record with no previous cases listed.

JIM SMITH: Who will be presenting? Ok, you want to approach the mic and identify yourself.

REBECCA LEHMAN: Hello...I'm Rebecca Lehmann.

BRIAN LEHMAN: And I'm Brian Lehmann.

JIM SMITH: Ok.

REBECCA LEHMAN: Alright...I am requesting a special exception to open a business as a daycare provider out of my home...it is going to be small to start. We are looking at probably between five and six or seven kids...to begin with and we are pursuing licensure with the State for this. Once the licensure is attained the maximum amount of children will be...we will be able to have will be eleven. We are not looking to take on that many children...right now. We are looking to just kind get started slowly and build from there. I don't see it really...impacting our neighbors or the neighborhood really, with a...just a handful of kids in addition to my own that I'm going to be caring for...we will have a fence installed. We spoke with the building department and we don't need to get a permit for a four foot fence, which we will be installing to keep the kids in a specific area within the yard. And...traffic and whatnot will be pretty minimal with parents coming to drop the children off in the morning and picking them up at night, after they get out of work...there is one other thing we have to...I guess request approval form you to be able to add an employee to the business. My mother is

45 looking to help me with this process. She doesn't live with me, but she will be assisting, so I guess that would
46 be considered an employee.
47
48 JIM SMITH: Ok....any questions?
49
50 JACKIE BERNARD: The...outlined yellow, the great room and the play room, and you have the half bath...that's
51 where the children will be?
52
53 REBECCA LEHMAN: Yes...yeah.
54
55 JACKIE BERNARD: Ok...and that's the first floor?
56
57 REBECCA LEHMAN: Yes...
58
59 JACKIE BERNARD: Ok
60
61 REBECCA LEHMAN: Mm-hmm. And the great room has a door that leads out to the...the play area so they will
62 be confined really into that one little area.
63
64 BRIAN LEHMAN: Also going to have its own second exit so...
65
66 REBECCA LEHMAN: Yeah...and we had the...the fire department came today to do the fire safety inspection
67 and everything was fine there so...we are just moving along slowly here.
68
69 JIM SMITH: Ok, the twelve children, do you have any children who are going to be counted towards the
70 twelve?
71
72 REBECCA LEHMAN: I have two children, of my own. So...and its...after meeting with the fire department today,
73 it will be a total...a maximum of eleven children, not twelve...if it's twelve children he said that there are
74 additional fire code regulations, which we are not going to be pursuing so...
75
76 BRIAN LEHMAN: We would have to put in a separate...
77
78 REBECCA LEHMAN:...it's going to be a maximum of eleven children...
79
80 BRIAN LEHMAN:...a separate fire alarm and all that other stuff. So...we weren't going to go all the way to that.
81
82 JIM SMITH: Ok...so we are changing this to eleven?
83
84 REBECCA LEHMAN: To eleven...a maximum of eleven children.
85
86 JIM SMITH: Ok.
87
88 REBECCA LEHMAN: Yeah, he said that twelve would be considered a daycare center, which is not what I want
89 to be...so...

90
91 JIM SMITH: Mm-hmm.
92
93 REBECCA LEHMAN: And again I don't anticipate having the...the maximum of eleven children. I really want to
94 keep it a...a smaller group of children. I'm thinking the maximum I am going to look for is a total of eight.
95
96 JIM SMITH: So the hours are going to be from six-thirty to six...for hours of operation?
97
98 REBECCA LEHMAN: Depending on what the...what the parents work schedule looks like...
99
100 JIM SMITH: Ok...
101
102 REBECCA LEHMAN: The earliest...
103
104 BRIAN LEHMAN:...if the kids have...
105
106 REBECCA LEHMAN: The earliest drop off will be six-thirty and the latest pick-up time would be six o'clock.
107
108 JIM SMITH: Any...Dave, any questions?
109
110 DAVID PAQUETTE: No Mr. Chairman.
111
112 JIM SMITH: Jim...I know you are brand new to this...
113
114 JIM TIRABASSI: I'm looking at the...the overhead of the house. In the great room is the room with the deck on
115 it?
116
117 REBECCA LEHMAN: Yes...
118
119 BRIAN LEHMAN: Yes...
120
121 REBECCA LEHMAN: Mm-hmm.
122
123 JIM TIRABASSI: Ok...Now where is...is that a pool in the backyard?
124
125 REBECCA LEHMAN: There is a pool in the backyard.
126
127 BRIAN LEHMAN: Yes
128
129 JIM TIRABASSI: Is that separately enclosed?
130
131 REBECCA LEHMAN: It is...yes,with a...
132
133 BRIAN LEHMAN: Lock and gate...
134

135 REBECCA LEHMAN: With a lock and gate...
136
137 JIM TIRABASSI: Ok.
138
139 REBECCA LEHMAN: Padlocked...the children will not be going anywhere near the pool area. The play area is off
140 of the other side of the great room, on the...the front end of the house.
141
142 JIM TIRABASSI: Yeah.
143
144 REBECCA LEHMAN: Towards the side yard...so that will be all completely fenced in. They won't be able to get
145 near the pool.
146
147 JIM TIRABASSI: So you're going to have it...it's going to be separately...you're going to come down the stairs
148 and you're not going to walk into, for lack of a better word, a pen. You have to go to it.
149
150 REBECCA LEHMAN: Correct
151
152 BRIAN LEHMAN: Yeah, you definitely would. You have to go in a totally different direction.
153
154 JIM TIRABASSI: Ok.
155
156 BRIAN LEHMAN: One is on one side of the house...
157
158 JIM TIRABASSI: Ok.
159
160 BRIAN LEHMAN: ...and one's on the other side of the house.
161
162 REBECCA LEHMAN: Yup.
163
164 JIM TIRABASSI: And how big it the...is the...that area going to be?
165
166 BRIAN LEHMAN: That area is supposed to be a...250 linear feet.
167
168 JIM TIRABASSI: 250 linear...
169
170 REBECCA LEHMAN: Yeah that's the...we just got the...an estimate for fencing to be installed...
171
172 JIM TIRABASSI: Ok.
173
174 REBECCA LEHMAN: ...so that...that is the...that is the area where...
175
176 BRIAN LEHMAN: The area inside it must...might be bigger but the...linear feet of the fence is 250 feet.
177
178 JIM TIRABASSI: Ok, now that was my question.
179

180 [Flipping of papers]
181
182 REBECCA LEHMAN: And the play area, the fenced in area is...pretty far back from the road...we have a
183 very...very big front yard.
184
185 BRIAN LEHMAN: Right
186
187 REBECCA LEHMAN: So we are....we are very far away from the road and...any...really, any neighborhood
188 interaction.
189
190 BRIAN LEHMAN: We are putting the fence up not only for containment but some for a little bit so that we can
191 be a little secluded so it doesn't bother neighbors.
192
193 JIM TIRABASSI: And there will always be two people there to supervise?
194
195 BRIAN LEHMAN: Yes.
196
197 REBECCA LEHMAN: Yes...yup.
198
199 JIM SMITH: Is there going to be any kind of sign?
200
201 REBECCA LEHMAN: We're...we're thinking about putting a small sign at our mailbox...we did put in the
202 application...a sign up to three square feet.
203
204 JIM SMITH: Ok.
205
206 REBECCA LEHMAN: Yup.
207
208 JIM SMITH: At this point...do you have anything further to say?
209
210 BRIAN LEHMAN: We just hope you consider it and we really want to do something that is going to not only
211 help our family, but help other families in the process.
212
213 JIM SMITH: Ok. Well, is there anyone who is in favor of this who would like to speak? Seeing none, anyone
214 who is in opposition or just has questions regarding this? Seeing none,I guess we will bring it back to the
215 Board, unless you have any further final statements?
216
217 REBECCA LEHMAN: Nope.
218
219 JIM SMITH: Ok. At this point the public hearing part of this will be closed.
220
221 BRIAN LEHMAN: Thank you.
222
223 REBECCA LEHMAN: Ok.
224

225 DELIBERATIONS:

226
227 JIM SMITH: Comments?

228
229 DAVID PAQUETTE: I don't...I don't see there being an issue.

230
231 JIM SMITH: I believe it fits the criteria.

232
233 DAVID PAQUETTE: Yes, it does.

234
235 JACKIE BERNARD: I believe so. I can't find where it doesn't, so...

236
237 JIM SMITH: Ok...now...someone needs to make a motion.

238
239 DAVID PAQUETTE: Mr. Chairman, I would like to make a motion to approve case 4-16-2014-1 on the basis
240 that...that there doesn't seem to be any impact to the neighborhood and/or the surrounding areas.

241
242 JIM SMITH: Ok, you want to put the eleven in?

243
244 DAVID PAQUETTE: The eleven in?

245
246 JIM SMITH: She said they are only going to have eleven children.

247
248 DAVID PAQUETTE: A...[chuckling]...with the approval of eleven children.

249
250 JIM SMITH: Ok.

251
252 DAVID PAQUETTE: Instead of the requested twelve.

253
254 JIM SMITH: Ok a...who will second?

255
256 JACKIE BERNARD: I will second.

257
258 JIM SMITH: Jackie seconds. All those in favor?

259
260 DAVID PAQUETTE: Aye.

261
262 JIM SMITH: Aye.

263
264 JIM TIRABASSI: Aye.

265
266 JACKIE BERNARD: Aye.

267
268 RESULT: THE MOTION TO GRANT CASE NO. 4/16/2014-1 WITH RESTRICITONS WAS APPROVED, 4-0-0.
269

270 RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'D. Paquette', is enclosed in a thin black rectangular border.

271
272 DAVID PAQUETTE, CLERK

273
274 TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

275
276 **APPROVED MAY 21, 2014** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY JIM TIRABASSI AND
277 APPROVED 4-0-1 (ANNETTE STOLLER ABSTAINED AS SHE HAD NOT ATTENDED THE MEETING).