

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

DATE: DECEMBER 18, 2013

CASE NO.: 12/18/2013-1

APPLICANT: JESSICA DUPERE  
LEONARD & LINDA DUPERE  
7 HARVEY ROAD  
LONDONDERRY, NH 03053

LOCATION: 7 HARVEY ROAD; 11-96; AR-I

BOARD MEMBERS PRESENT: JIM SMITH, CHAIR  
LARRY O’SULLIVAN, VOTING MEMBER  
JACQUELINE BENARD, VOTING ALTERNATE  
NEIL DUNN, CLERK

REQUEST: SPECIAL EXCEPTION TO ALLOW A DOG FOSTERING AND SITTING SERVICE AS A HOME OCCUPATION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 3.12.

PRESENTATION: Case No. 12/18/2013-1 was read into the record with no previous cases listed.

Chair Smith gave the applicant the opportunity to continue their case until a full five member Board is present. The applicant chose to proceed with the Board members present.

Clerk Dunn read Exhibit “A” into the record; a letter from an abutter in opposition to the request. Chair Smith read into the record a portion of Exhibit “B,” an email from Senior Building Inspector/Zoning Administrator Richard Canuel noting an objection from a separate abutter.

JIM SMITH: Who’s going to make the presentation?

LARRY O’SULLIVAN: I’d like to make a comment before...before we get too far along. Home occupation, under 3:12:1.2...definition that we have, part of the requirements are that “the home occupation shall be carried on by the occupant, only within a dwelling and/or garage and shall be incidental and secondary to the use of the properties and dwelling purposes and shall not change the residential character thereof. A garage should be defined as a detached accessory building or portion of a principle building used or occupied for the parking or temporary storage of household goods and/or motor vehicles of the occupants”. Okay, so...with that in mind I’m wondering if....this is the portion of our Ordinances...that needs...a...the special exception...because...from my understanding of this....potential business, a great deal of it will be done outdoors...and I’m specifically pointing out that....the home occupation shall be carried on by the occupant only within a dwelling and/or garage...so...that said...

46 JAYE TROTTIER: Well, we do have daycares that have some things outdoors. Just throwing that out there.

47  
48 LARRY O'SULLIVAN: Right, but...

49  
50 JAYE TROTTIER: But they're not restricted just to inside the house.

51  
52 LARRY O'SULLIVAN: Agreed. I think a different section though for home occupations with children...

53  
54 JAYE TROTTIER: More...yeah, more specific.

55  
56 LARRY O'SULLIVAN: That is very specific so...but we're not talking about children, so that would be my issue  
57 here, is that we need to make sure we are talking about the correct section of our Ordinances that they're  
58 asking relief from, because this may not be the only applicable section that they need relief from...you see  
59 where I'm going with this?

60  
61 JIM SMITH: Yeah.

62  
63 [Long pause]

64  
65 LARRY O'SULLIVAN: So I would assume without Richard being here, that when they spoke to Richard, they got  
66 the impression that...this was the section that they needed to get a special exception for. Ok...so....so we make  
67 any assumptions since Richard isn't here, that...that is specifically what this type of a business would be  
68 applying for.

69  
70 JAYE TROTTIER: Yes. He would have directed them to seek a special exception.

71  
72 LARRY O'SULLIVAN: For the 3.1...3...was it 3.12.1.3?

73  
74 JAYE TROTTIER: Yeah..

75  
76 LARRY O'SULLIVAN: Or 1.2? Yeah...Okay.

77  
78 [Long pause]

79  
80 JAYE TROTTIER: I would think you would want to hear the...

81  
82 LARRY O'SULLIVAN: We would want to hear the presentation to see...

83  
84 JIM SMITH: Yeah, well I'm...I'm just kind of reading this over here just to....

85  
86 [Long pause]

87  
88 JAMES SMITH: Well, I'm just comparing the...how it's worked in the child care...essentially says the same thing  
89 on the...3.12.2.2; "Child care facility occupations shall be carried out by the occupant only within, then in the  
90 next one it says, "A fence for an outdoor play area may be required." So....2 doesn't really....

91  
92 LARRY O'SULLIVAN: 2.3, you mean?  
93  
94 JAMES SMITH: Yeah.  
95  
96 LARRY O'SULLIVAN: 3.12.2.3  
97  
98 JAMES SMITH: It doesn't say anything about having it outside the area...  
99  
100 LARRY O'SULLIVAN: Right  
101  
102 JAMES SMITH: Outside the building...  
103  
104 LARRY O'SULLIVAN: Mm-hmm.  
105  
106 JAMES SMITH: But then they specifically...so....  
107  
108 LARRY O'SULLIVAN: Gotcha.  
109  
110 JAMES SMITH: And again, when you write these things you kind of anticipate every possible...  
111  
112 LARRY O'SULLIVAN: Understood.  
113  
114 JAMES SMITH: ...barrier. Okay, with that...  
115  
116 LARRY O'SULLIVAN: I would suspect that we're as close as we're going to get with this....  
117  
118 JIM SMITH: Yea....You have the floor.  
119  
120 JESSICA DUPERE: Okay. Thank you. My name is Jessica Dupere and I live at 7 Harvey Rd. and...we are  
121 applying for a special exception for dog fostering and in home dog sitting for...1-3 dogs...I have had this  
122 business for almost 4 years now and we've always done in home dog sitting. We usually have one or two  
123 dogs. We lived in a three family in Derry before with a nice big fenced in yard and never had problem or  
124 complaint with any of our neighbors and we are just looking to help out fostering here or there. There  
125 would definitely not be a lot of traffic, sometimes we go weeks without having any dogs there and we know  
126 that there are quite a few people around that own three or four dogs...we have one dog. We make sure that  
127 he is always very quiet, he's never left outside and the dogs that stay with us. They get two walks per day.  
128 Any of my neighbors know, they'll always see me out there walking. Dogs are never left outside on their  
129 own...and I think we ran into the problems when we first moved in. I turned the room above the garage into  
130 my office and...we had our dog and some family dogs playing up there. We let them stay up there a few nights,  
131 and this was after we took the rug out and put a tile floor in, so I think there was quite a bit of echo...and I  
132 think that's where the noise complaint may have come from. Where it was very unfortunate if any of our  
133 neighbors had let us know about that, we would have made sure to take care of the problem. The dogs  
134 would never be left up there unattended. Our house is extremely well insulated because we are right by the  
135 airport. So....new windows and insulation and...so now the dogs...are never left up in that room where I think

136 is where they were hearing them, unattended or overnight...so...in the photos I gave you, you can see where  
137 the office is and that's where I work during the day and my dog plays and if I have a dog or two there...they'll  
138 also be up there with me and whenever I leave I take the dogs with me, they love going for car rides and then  
139 at night you can see we just have three crates set up in the guest room, right next to our bedroom so that  
140 way....

141  
142 JIM SMITH: Let me distribute the pictures [See Exhibits "C" through "G"].

143  
144 JESSICA DUPERE: And then we just wanted to show we do have a fenced in area. It's probably about a quarter  
145 of the size of our whole yard. But again, the dogs aren't left out there and it's really not an outside business.  
146 We do more walking...the dogs are with me...they're just never left out alone to make noise, to disturb people.  
147 They're never loose. They're all really good dogs. A lot of these dogs are elderly or the fosters dogs we get had  
148 just had surgery's, neutered or spade and are not recovering, so we take them in because they just couldn't go  
149 to a kennel so they need to have the in home care. And if our neighbors had come to us and let us know that  
150 they were hearing the dogs up there we would have immediately put a stop to it. And we know since we got  
151 that complaint there has just been silence from our house. We know that for sure. And the other thing we did  
152 want to bring up is, quite a few of our neighbors have dogs, and there are two dogs located behind us, one to  
153 the side, kind of a diagonal one, so they're all around so we're wondering if perhaps sometimes our one dog,  
154 or maybe the two dogs we have is...they're thinking it's the noise from our house when it's not. We're  
155 defiantly not a kennel or a daycare. There isn't going to be people coming and going. When the dogs stay with  
156 us it is usually for a few weeks at a time. So there may be one person coming every week or two. And like I  
157 said, sometimes we have no dogs for a few weeks. The main...the biggest part of my business is I have seven  
158 employees and they do dog walking and pet sitting in other people's homes and we service about 15 towns.  
159 So this is just something I started to offer for my best clients who have really well behaved dogs and also dogs  
160 that are just of a, you know, have no other place to go. People are trying...they have to get rid of them and  
161 they just need a place for a week or two in between. So I think that is it in a nutshell.

162  
163 JIM SMITH: Okay. Questions from the Board?

164  
165 LARRY O'SULLIVAN: Jessica, do you own 7 Harvey?

166  
167 JESSICA DUPERE: Yes I do.

168  
169 LARRY O'SULLIVAN: Okay, and...Leonard and Linda?

170  
171 JESSICA DUPERE: They are my co-signers. They do not live there but I was told they, because they're on the  
172 deed, they had to be a part of this.

173  
174 LARRY O'SULLIVAN: Okay, so this is a one family house?

175  
176 JESSICA DUPERE: Yes it is.

177  
178 LARRY O'SULLIVAN: And is the garage...or how long have you owned it?

179  
180 JESSICA DUPERE: Since August 7<sup>th</sup>...

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LARRY O'SULLIVAN: Is the garage permitted? Did you have any issues with your mortgage?

JESSICA DUPERE: Is the garage what?

LARRY O'SULLIVAN: Permitted. Was it part of the deed?

JESSICA DUPRE: Yes...I'm sorry. I don't really know what that...I mean the garage is part of the property...I...yeah...

LARRY O'SULLIVAN: Right. Good. The floor above the garage...

JESSICA DUPERE: Yes

LARRY O'SULLIVAN: ...is your office? Your home office for a dog walking business that you conduct out of your home?

JESSICA DUPERE: That is just my office where I have...I do all of my bookkeeping. I don't have clients or any, that's just...that's just my space I work out of.

LARRY O'SULLIVAN: Is that the picture we see with the checkerboard floor?

JESSICA DUPERE: Yes...yup.

LARRY O'SULLIVAN: And so you won't be keeping animals, any dogs in that facility?

JESSICA DUPERE: No, and we have not since we got that noise complaint.

LARRY O'SULLIVAN: Okay. Do you own any of your own dogs?

JESSICA DUPERE: Yes, we have one dog, Lincoln....and he's very well trained. He did a year of training, he is a rescue as well. Before we got him he was scheduled to be put down and he had two days to live and...we got him and rehabbed him and he is just wonderful now.

LARRY O'SULLIVAN: Can you tell me what the difference between dog fostering and doggy daycare is...

JESSICA DUPERE: A fostering is when a dog is in a shelter or going to be euthanized. Well, a doggy daycare for one, you're paid for that so...a daycare service would be, like children's daycare. Clients would come drop their dogs off for the day and the dogs would play all day and then they would pick them up in the evening. I do not offer that and I will not offer that. Fostering is...I know a lot of people from being in the business for years so if they have a dog that needs a home until he goes to a 'forever home' they call it...just for a few weeks normally, or just until he can heal up after his surgery. So it's just a temporary placement.

LARRY O'SULLIVAN: And how many dogs do you feel you will have in a year?

226 JESSICA DUPERE: Well, it's difficult to say if....of course some months are a little bit busier, you know...  
227  
228 LARRY O'SULLIVAN: How many would you feel would be the most you'd have in a month?  
229  
230 JESSICA DUPERE: So let's see...in November we had....I think 4 total, throughout the whole month and they  
231 did not overlap so...throughout the month of November there were only two dogs at a time there.  
232  
233 LARRY O'SULLIVAN: Your dog and one of the others?  
234  
235 JESSICA DUPERE: Yes.  
236  
237 LARRY O'SULLIVAN: I wanted to ask those questions because I took a stop by there and I saw where they had  
238 fenced in area and had the impression that there are quite a few dogs in the neighborhood because I heard  
239 them while I was there. So I don't know, you know, other than they're already dogs in their neighborhood....  
240  
241 JESSICA DUPERE: Yeah, and we would....  
242  
243 LARRY O'SULLIVAN: And you would have no dogs left outside on their own at all?  
244  
245 JESSICA DUPERE: No, never and the reason...well, obviously to be considerate of our neighbors but it is way  
246 too dangerous, a dog could escape. Dogs are amazing, they can go over fences, under fences so if you're not  
247 out there with them, you just don't know what could happen. So I've always assured my clients and the  
248 fosters that I take in, that they would never be left unattended outside. And we just...we feel that, you know,  
249 somebody...there are quite a few people that have three dogs, four dogs even so we're...we have two or three  
250 quiet dogs, sometimes. Usually it's just one, sometimes two...so...we're not looking for traffic, high volume, no  
251 daycare, no kenneling...  
252  
253 LARRY O'SULLIVAN: Did you need to get a special exception for a license?  
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255 JESSICA DUPERE: My business name is registered. There's no license.  
256  
257 LARRY O'SULLIVAN: Can I ask then; why are you here?  
258  
259 JESSICA DUPERE: Pardon me?  
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261 JIM SMITH: Can I ask why you are here?  
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263 JESSICA DUPERE: Why I'm here?  
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265 JIM SMITH: What prompted you to apply for the special exception?  
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267 JESSICA DUPERE: Oh...well what prompted me is, I didn't realize that I needed one until we got the complaint  
268 and the dog officer came by, so that was our first knowledge of this. He said for fostering, in home pet sitting,  
269 which had never ever occurred to us, we always had one or two dogs so we figured if people can own up to

270 five dogs then it wouldn't be a problem, so when he let us know that, we immediately took action and I called  
271 and spoke with Richard and then he sent me to Jaye and we started the process.

272  
273 LARRY O'SULLIVAN: Very good. Thanks.

274  
275 NEIL DUNN: If I may Mr. Chairman? You said one to three dogs a week is...would be the most?

276  
277 JESSICA DUPERE: Yes, that would be the most. I mean that would be at a time so....and you know including  
278 our dog we may have one or two dogs staying there. Normally it's just one other dog. It's just easier that way  
279 because they are...this isn't our home, it's a lot of work and I do run the majority of my business is, again,  
280 seven employees and we have hundreds of clients all around, so I'm quite busy and I just...I can't take on more  
281 than that nor would I want to.

282  
283 NEIL DUNN: I'm just trying to figure out how we would regulate one to three. How we would know...It was  
284 just a thought so I was trying to get clarification....

285  
286 JESSICA DUPERE: Yeah....

287  
288 NEIL DUNN: Clarification on the number. And you're right, several people have lots of dogs, but anyways that  
289 was my question.

290  
291 JACKIE BENARD: Let me ask you this...your fostering and your sitting.

292  
293 JESSICA DUPERE: Yes.

294  
295 JACKIE BENARD: You have expressed that you have a business and you have seven employees that go outside  
296 and provide a service at customers' homes or wherever that may be. So what you're offering in your home is  
297 not part of your service, is something that you do...?

298  
299 JESSICA DUPERE: No...what...how it worked out was that I had clients that started to ask me, you know I don't  
300 want to put my dog in a kennel, can he stay with you, so that is how it started and that is how we continued as  
301 that was just the casual part of our business for our clients that we have known for years and we know their  
302 dogs were great and weren't going to rip up our house and make a lot of noise and then with the fostering  
303 that's just all of my clients and all of the people they know, if they know a dog that you know just needs a  
304 place for a week or two than I take them in and that's of course if I don't have another dog or two already  
305 staying there.

306  
307 JACKIE BENARD: So the ones that are sick or in recovery...

308  
309 JESSICA DUPERE: Yup.

310  
311 JACKIE BENARD: You're volunteering your time...

313 JESSICA DUPERE: Yes and not always because some of my clients dogs as well if they're elderly that they can't  
314 stay in kennels and a lot of dogs, that's just too stressful for them, so they want the in-home treatment and it  
315 is a lot less stressful for a dog and a lot of my employees will stay with the dogs at their home.  
316

317 JACKIE BENARD: Okay or sometimes they'll come to your home  
318

319 JESSICA DUPERE: Yes.  
320

321 JACKIE BENARD: As I guess...a paid service...and I think where I was going with it, if I decided that I'm going to  
322 let my friends dog stay over or two, it's just something that you do within the confines of your home, so if this  
323 was a type of service that is just something that you're providing to help animals on an occasional basis, I  
324 guess I was just trying to dig in to that versus part of the actual business so that I could get clarification on the  
325 one to three dog whether it's just something very nice that you're doing for...  
326

327 JESSICA DUPERE: Yes...no some of them do pay me so..  
328

329 [Laughter]  
330

331 JACKIE BENARD: Okay, well that's why...  
332

333 JESSICA DUPERE: Out of the goodness...but of course I love them and I...I've had these clients for four years  
334 and their dogs are like my dogs and I have watched quite a few of them grow old and pass away so...yeah  
335 there....  
336

337 JACKIE BENARD: Okay so it's...it's an extension of your business...  
338

339 JESSICA DUPERE: Yes. Yes.  
340

341 JACKIE BENARD: Ok. A small percentage.  
342

343 JESSICA DUPERE: Yes  
344

345 JACKIE BENARD: A small part.  
346

347 JESSICA DUPERE: Yes...and very small compared to the....  
348

349 JACKIE BENARD: Okay, to the seven employees who...  
350

351 JESSICA DUPRE: Yes...  
352

353 JIM SMITH: You were questioning the...the edge of the garage...  
354

355 LARRY O'SULLIVAN: I wondered how long it was there for, whether it was permitted so if they had no problem  
356 with their mortgage...I would assume that it was permanent...  
357



358 JIM SMITH: Oh yeah. It was built a good number of years ago and replaced a garage where the roof had  
359 collapsed. The only thing that keeps popping up in your comments is that you have seven employees. Had you  
360 discussed that part of the...of your...business with Richard?  
361  
362 JESSICA DUPERE: My Employees? No.  
363  
364 LARRY O'SULLIVAN: Do they ever show up this address?  
365  
366 JESSICA DUPERE: No. They have no need to. They work on their own so I have one woman that services  
367 Salem, Pelham, a few of the towns down there so all they do is go to the clients houses and meet with the  
368 clients there. So they...there's no need for them to come....they don't work at my place so....  
369  
370 JIM SMITH: And how do you communicate with them?  
371  
372 JESSICA DUPERE: Oh, mostly text and email.  
373  
374 JACKIE BENARD: You stated on your application that the days of operation will be Monday through Sunday  
375 from 8 AM until 7 PM but some dogs do stay over.  
376  
377 JESSICA DUPERE: Oh, what I meant by that was if somebody were picking up or dropping off on that day, it just  
378 wouldn't be any earlier or any later than that.  
379  
380 JACKIE BENARD: Okay.  
381  
382 JESSICA DUPERE: So it's not technically operating hours that dogs will be staying over, they're not just there  
383 for the day.  
384  
385 JACKIE BENARD: Okay.  
386  
387 [Long pause]  
388  
389 JIM SMITH: Where exactly would you be keeping the dogs now?  
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391 JESSICA DUPERE: It's in the picture where you can see the three crates, they're in the guest room right next to  
392 our bedroom.  
393  
394 LARRY O'SULLIVAN: You're looking for...  
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396 JIM SMITH: So that would be the area that's labeled "the study"  
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398 JESSICA DUPERE: I believe....yes, labeled "the study"  
399  
400 JIM SMITH: Now this is where you keep....  
401

402 JESSICA DUPERE: That is where they would sleep and if I ever left and they did not go with me they would be  
403 crated in there.

404  
405 JIM SMITH: So this picture with the crates is that...

406  
407 JESSICA DUPERE: Ah...Yes...yup with the three crates in there and yes that is the study. It's right next to the  
408 master bedroom.

409  
410 [Long pause]

411  
412 JIM SMITH: Okay.

413  
414 JIM SMITH: Any other questions? Okay is there anyone who would like to speak in support of this? Seeing  
415 none, anyone who has any questions or an opposition? Okay, would you approach one of the mics and state  
416 your name for the record...

417  
418 JOANN PETERSEN: Hi. Joann Petersen, I live on 7 Harvey Rd...no, 5 Harvey Road, [laughter]...and we have  
419 been there for eight years. We do have two dogs. We have a two family, our mother-in-law downstairs has a  
420 cocker spaniel and we have a spaniel. We have them in the yard, they are never left unattended. None of our  
421 neighbors have their dogs unattended. None of them. We are all just dog loving people, but....they're our  
422 dogs. They are not a business. We have had excessive traffic in the area since they did move in and when they  
423 did come, I've done a little research because we didn't know why they had put the big fence in, I was able to  
424 find that, Mrs. Dupree, she does have a business and it's called 'Hot Dog Business', 'Top Dog Pet Sitting' and  
425 there is little said about any fostering and she seems to emphasize a lot on fostering but in all of her wonderful  
426 website, there is not anything about fostering and I am concerned about how this is going to be monitored.  
427 There have been, when the animal control officer went, there were five dogs on the property at that time, not  
428 three. That's when the animal control...that's what he said. So we kind of resent, we've been in the area, it's a  
429 very small street. There are five houses on this street. We are very family oriented, we have grandchildren, we  
430 have a beautiful spread of land and I just don't want a business near me. I don't want a business....I....I have a  
431 dog but I have a dog because it's my dog and we take care of them, we don't make money off it. We don't  
432 have traffic coming; we don't have people coming to the house. There's all kinds of different traffic coming  
433 since they moved in in August and when they did have their place in Derry, that was at her parents' house, so  
434 of course no one is going to complain because parents own the building. I just feel strongly that when she  
435 moved in, she knew that she had a business, an established business and that she came in here and didn't  
436 even care about it. Why should we complain about noise when we don't even know there's a business? Now,  
437 we didn't get the respect of saying, we are going to have a business next door to you so, I just am quite  
438 confused at some of the things she has said that contradict. But I do respect her. I mean I love...we love  
439 animals but not as a business, not on our street. It takes away the beauty of Londonderry and the beauty that  
440 we have of five houses....that's all I have to say....

441  
442 JIM SMITH: Okay...Okay, just for clarification; the special exception for a home occupation has been a part of  
443 our zoning regulations from just about day one. So this idea that someone cannot have a limited business in a  
444 residential area is something that this town has accepted on going for many, many years. So while some  
445 people may not like the idea, it's been part of our zoning ordinance. However, there are some limits to what it  
446 can encompass and how big it can be, how much of the building can be used for it, but it is part of our

447 ordinance. So when someone comes in and says that they are...they strongly object to any kind of a business,  
448 it doesn't fit our zoning regs the way that they're written at the present moment. So just for your clarification.  
449

450 JOANN PETERSEN: Okay...I mean if it is granted, how is it going to be monitored, who's going to police it?  
451

452 JIM SMITH: Well, that's between the Town Zoning Officer and the individual. A lot of the times the way that  
453 works, the people in the neighborhood, if they see stuff that are violations or going beyond what is supposed  
454 to...a home occupation is supposed to encompass, it's up to them to make a complaint to the zoning officer,  
455 then he's in the position where he can investigate and make a determination and go through the procedure  
456 because we have had home occupations, where they have come in, said one thing and done something else.  
457 There has been an investigation and there is usually some sort of resolution to the whole thing, whether it is  
458 shutting them down completely or making them go to a more commercial zone or whatever, but there is that  
459 mechanism.

460  
461 JOANN PETERSEN: Right.  
462

463 JIM SMITH: The idea that the Zoning Officer is going to come by there every day is not going to happen. They  
464 don't have the resources for that.  
465

466 JOANN PETERSEN: No. Right....  
467

468 JIM SMITH: They don't have the resources for that.  
469

470 JOANN PETERSEN: Right and I don't want to live like that.  
471

472 JIM SMITH: But it's really up to the neighborhood, up to....if you're aware of it. And this is part of why we have  
473 the hearing...  
474

475 JOANN PETERSEN: Right.  
476

477 JIM SMITH: ...is to allow the people in the neighborhood to be aware of what's going on.  
478

479 JOANN PETERSEN: Mm-hmm.  
480

481 JAMES SMITH: So that they can see and understand...voice their opinion and if it's granted, there in a position  
482 where they can monitor it and if there's a violations or it exceeds what they presented, then you can make a  
483 complaint to the zoning officer and he can go from there.  
484

485 JOANN PETERSEN: Why would I want to continue to live like that though? I wouldn't want to continue to have  
486 to monitor how someone else lives, you know, I just feel like it's....  
487

488 JIM SMITH: Well, again....  
489

490 JOANN PETERSEN: I just feel like it's not up front to begin with and if it's not up front to begin with than how is  
491 it going to be up front going on...

492  
493 JIM SMITH: Well, I think part of what we run into...the mindset of people is they think they can do pretty much  
494 whatever they want with their property. A lot of times if they come from one town to another town, the  
495 zoning regulation in one town is totally different than the zoning regulations in another town, so what they  
496 may have done in one town, nobody says anything about and there's no rules to address it. They move to  
497 another town and suddenly they can't do that particular thing. And most people don't go looking for  
498 regulations, you know, just don't....

499  
500 LARRY O'SULLIVAN: You mean when they're looking for a home...

501  
502 JIM SMITH: Well, yeah, sure....

503  
504 LARRY O'SULLIVAN: The Town has been promoting home occupations for a long time, as long as I have been  
505 on the Zoning Board.

506  
507 JOANN PETERSEN: I respect that.

508  
509 JIM SMITH: Well, you know....

510  
511 JOANN PETERSEN: Well, you know when you have a dog and you have someone come in and say well, there  
512 are all kinds of dogs in the neighborhood. Absolutely, there are. Our neighbors have two, we have two in our  
513 building behind her there are two, but we are not doing it for money. We don't have any foot traffic. To me,  
514 that's a difference. To me there are kids, they come in our home, they are a part of us but you know, with  
515 seven employees you're not going to tell me that that doesn't at times bring in extra traffic, it does and it has.

516  
517 JIM SMITH: Well, that's getting to another point and I haven't gotten to that yet. There is another gentleman  
518 in the back who had wanted to say something.

519  
520 JASON COULTER: Hello my name is Jason Coulter and I live at 10 Maureen Circle, which is directly behind their  
521 house. I just basically have two concerns. One is noise...as far as if there are going to be...I know she said there  
522 were going to be one to three dogs, which you know I guess that would be okay if that was the circumstances,  
523 but I think my mindset there will be more than that so as far as noise level...I have two small dogs myself that  
524 just stay indoors and they go outside once and a while to exercise or whatever but for the most part the stay  
525 indoors. My concern is if they hear other dogs barking, which obviously like they said earlier, there are plenty  
526 of dogs in the neighborhood, which there are, so occasionally the dogs do bark when they hear other dogs but  
527 it is not constant but whereas you have so many other dogs behind you, directly, I think...I'm worried about  
528 my dogs always hearing them and basically barking all the time, from hearing the other dogs. That is my first  
529 concern. My second concern is having a business there, especially like a dog watching business, for if I was to  
530 ever sell my home in the future I don't plan to, but if I was I would be concerned about people looking at the  
531 house, looking out the backyard, obviously they can see the huge square fence that is outback, which is fine  
532 that really doesn't bother me but it will bring up questioning for people looking at my house, you know, what  
533 is that fence or, and obviously I either have to lie to them or tell them the truth, and if I tell them that the girl  
534 watches dogs occasionally, they will probably not believe me so...those are my two concerns that I have so I  
535 am against it.

537 JIM SMITH: Okay. Any other comments? Okay. We will give the applicant an opportunity to reply.

538  
539 JESSICA DUPERE: Well, what Joann said, that fostering isn't on my website, it's not on my website because  
540 website deals with business. My fostering has nothing to do with my business. And she had mentioned seven  
541 employees. Again those seven employees work in different towns. There is no need for them to ever come to  
542 my home...they...there is just no need. Their paychecks are deducted...put into their accounts every week  
543 electronically and they just work at clients homes. And as for the five dogs with...I believe Michael is the dog  
544 catcher, when he was over that day there were no dogs. He stood there and spoke with us for half an hour,  
545 forty-five minutes, he was so nice and I know that he could tell you that, he didn't see one dog nor did he hear  
546 one dog. So I just wanted to clarify that. As for everyone saying that they are assuming that it's going to be  
547 more dogs, I can understand that concern. All I can say is that if I am able to get the exception, than they can  
548 watch and see and I am giving my word that it would be one to three dogs, usually one sometimes two...rare,  
549 three....and again, we could go out and adopt five dogs. There are a lot of people that have five loud dogs.  
550 Even four, even three can make a lot of noise. I think that we, more than any other neighbor take extra special  
551 care to make sure that we are keeping them quiet after we found our up in that room that the neighbors  
552 could hear them. As for traffic that is just ridiculous and so not true. We...there are so few people that come in  
553 and out of there...you know, when you have one dog come, that stays for a week so you have one person  
554 come that week, and then pick the dog up a week later...there is just not...that's is just incorrect. There is not a  
555 lot of daily foot traffic. It is not a daycare, it's not a kennel and we just want to care for less dogs than we can  
556 own. She also keeps referring to it like I'm taking money and I am doing a bad thing. My clients love me and I  
557 give these dogs the best care that they can get anywhere. They live in our home just as they do in their  
558 own...in our home with us. They are exercised twice a day, we go for long walks, so I'm doing a service. It's not  
559 a negative thing, me taking money. I am a business owner, small business owner, and I am employing seven  
560 people so I think I am doing a pretty good thing.

561  
562 JIM SMITH: Okay. Any additional rebuttal from the opposition?

563  
564 SHAWN GODING: I'll say something. I'm Shawn Goding. I live at 3 Harvey Road. I have been there two years,  
565 actually this next week. It was new construction. I live next to Joann and Will. I am here tonight because  
566 obviously I was informed by the town, this...I grew up in Londonderry my whole life and it was a dream to live  
567 in Londonderry and that is why we just built a house there. And it's a very small and quiet neighborhood. It's  
568 unfortunate that it is a through street you know a lot of cars do fly down there. As for dogs, I'm hearing a lot  
569 about dogs today...I don't....I know Will and Joann said that they have two dogs but I never hear dogs, maybe  
570 it's because of where I am at the end of the road there but I see...in...I don't know the neighbors, they just  
571 moved in and they seem very nice and the house looks very nice. I didn't realize they were starting a business  
572 or running a business until I received a letter, but I lived in Manchester in a townhouse by the Yard Restaurant,  
573 right behind a doggy daycare and I did have a hard time selling my townhouse because of it. It's not why I am  
574 here tonight but I'm just throwing that out there because the gentleman did mention it. You know, I just  
575 hear....I'm excited to have neighbors move in because the house had been empty for a while and the place  
576 looks really great and they seem very nice, but it's just unfortunate to hear that they want to run a dog  
577 fostering business, whatever it is, out of the house, because common sense just tells you there's probably  
578 going to be dogs and barking and then possible smells, you know. Again, I dealt with that at my last place so I  
579 kind of know what to expect, you know what it can become. I know it's not that now, but it just concerns me.  
580 It is a small quiet neighborhood and, you know...it just...I hear that what they want to do and I just...it kind of  
581 rubs me a little bit the wrong way. But...and that's why I am here tonight. I just wanted to put my two cents

582 in. I understand you're allowed to run...operate your own business and apparently you're allowed to operate a  
583 small business out of your home in Londonderry. You know, I don't know all of the rules but I feel bad  
584 because you don't want to stop anyone from running their own business but at the same time I want to think  
585 about the neighborhood, my neighbors, you know in support of Will and Joanna who have to live right next  
586 doors to them. I just...like I said I don't hear and see it if there is cars and dogs coming and going. I guess I am  
587 just far enough away fortunately. But in support of Will and Joanna and anyone else that is around it...that's  
588 why I am here tonight, so that's all I have to say.

589  
590 JIM SMITH: Okay. Thank you. Any further questions from the board?

591  
592 LARRY O'SULLIVAN: No other comments from the audience? No? Because I am going to start....

593  
594 JIM SMITH: Neil?

595  
596 NEIL DUNN: I'm good.

597  
598 JAMES SMITH: Okay, having said that...

599  
600 NEIL DUNN: Did you have a question?

601  
602 LARRY O'SULLIVAN: No questions.

603  
604 NEIL DUNN: Oh. Oh, okay.

605  
606 LARRY O'SULLIVAN: No, I'll save it for deliberation.

607  
608 JAMES SMITH: Deliberation. Okay. The public hearing is now closed on the...we are going into deliberation  
609 for this case and hopefully at the end we will vote and come up with a conclusion.

610  
611 DELIBERATIONS:

612  
613 LARRY O'SULLIVAN: Okay...so, what we have are no additional employees are going to be there. There are  
614 none right? What we have are any changes to the outside building...

615  
616 JIM SMITH: None....

617  
618 LARRY O'SULLIVAN: They're not asking for a sign, we're not asking for a sign.

619  
620 JIM SMITH: No

621  
622 LARRY O'SULLIVAN: They're asking in effect....the business opportunity to have two more dogs from time to  
623 time. Now how is that going to change the character of a neighborhood? So you don't have any more traffic,  
624 you may have the noise that more dogs could bring, but that's what its boiled down too. I don't know about  
625 where you guys lives but three of my neighbors have two dogs. I don't smell them, I rarely hear them. I can't

626 see how this is going to have any disruption in that nice quiet neighborhood. So I am in favor of granting this  
627 special exception.

628  
629 JIM SMITH: Neil?

630  
631 NEIL DUNN: I...there are always...they seem so tough...I guess it should be that tough, though. The only thing  
632 is noise and smells and all that and I don't think it's anything exceptional or noisier than being that close to  
633 what's around the neighbor, the airport and all that. I think we all live in pretty nice residential neighborhoods  
634 here in town and I hear dogs barking all the time. My neighbor's my best friend so, I mean that's part of the  
635 residential life and the character of the residential areas, having dogs barking and kids playing and running  
636 around so I think we would want to make sure that we limit it to one to three dogs per week.

637  
638 LARRY O'SULLIVAN: No, at a time.

639  
640 NEIL DUNN: At a time...at a time. I'm sorry. And then let the neighbors monitor it. If it gets out of control  
641 than it's their duty as a neighbor, as it would be mine as a neighbor to the guy next to me to speak up and say  
642 something, so I'm...I think we want them as a....Larry just said...no on street parking and they meet all the  
643 criteria of our check-off sheet and the procedural end of it, so I'm fine.

644  
645 JIM SMITH: Jackie?

646  
647 JACKIE BENARD: I'm torn because....they own one dog. They want a special exception for two dogs.

648  
649 LARRY O'SULLIVAN: Two more dogs.

650  
651 JACKIE BENARD: Two more dogs.

652  
653 LARRY O'SULLIVAN: Up to three dogs.

654  
655 JACKIE BENARD: Up to three, which will include their own?

656  
657 JAMES SMITH: Yeah.

658  
659 LARRY O'SULLIVAN: That's the way I understood it.

660  
661 JAMES SMITH: Yes. That's the way she...

662  
663 JACKIE BENARD: Okay, because...I...our standard of definition as soon as we hit the fourth dog, becomes a  
664 kennel, so I just want...I guess that's why I want to make sure I don't...that I understand because I...

665  
666 LARRY O'SULLIVAN: Mm-hmm.

667  
668 JACKIE BENARD: ...I don't want to overlook Jessica owning her own dog, which is a great thing but the business  
669 side of her home....her business is coming into her home, which is fine but if we have three additional dogs,  
670 plus hers and then I start...I...that line becomes blurred for me a little bit because then it becomes...

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JESSICA DUPERE: Excuse me...

JIM SMITH: No...it...it's strictly the Board at this point.

JESSICA DUPERE: Oh.

JACKIE BENARD: So...that's why I just...I want to be clear so that maybe I don't overlook some of the impact with more than the three dogs because there are...which is great that people own...I know several neighbors even around myself that I have two dogs or three dogs and they own them and love them and treat them like their family members, but the business side of me...I just want to make sure that maybe...that's...the lines are really not blurred there.

LARRY O'SULLIVAN: Well, having grown up with three dogs for almost my whole life in New York, in the city, dogs can be trained to do just about anything and being quiet is one of the toughest ones, but it's totally possible. My neighbors do it. I don't own a dog now but I know that my neighbors do it, keep their dogs well controlled. Now I don't see any point in...I would make a restriction that it would be...

JACKIE BENARD: Okay

LARRY O'SULLIVAN: ...on this approval...that it be limited to no more than three dogs on the premises at a time.

JIM SMITH: Neil, did you figure how many...how much acreage is on this house?

NEIL DUNN: Acreage?

JAMES SMITH: Yeah.

NEIL DUNN: No, I did not.

LARRY O'SULLIVAN: I was wondering that myself. Is it two acres? Did they want horses instead?

JIM SMITH: No, you need two acres to have a kennel.

[Indistinct]

LARRY O'SULLIVAN: You know, it may be easier to ask the applicant if they know...how...what size their lot is...

GENTLEMAN WITH JACKIE BENARD: 1.2.

JAMES SMITH: Okay.

LARRY O'SULLIVAN: Thank you.



716 JIM SMITH: So for our regulations, they could not have a kennel on this lot.  
717  
718 LARRY O'SULLIVAN: Per our regulations also...not this particular one...they could have five dogs in their house.  
719  
720 JIM SMITH: No.  
721  
722 LARRY O'SULLIVAN: Sure they can...if...if they own them.  
723  
724 JAMES SMITH: No, if...if you have four dogs or more it's considered a kennel.  
725  
726 LARRY O'SULLIVAN: Wait a minute....Okay...kennel being what,a professional...?  
727  
728 JIM SMITH: Just as a kennel.  
729  
730 JACKIE BENARD: Yeah.....  
731  
732 JAMES SMITH: "Kennel: The use of a structure for a containment of four or more dogs, that are more than six  
733 months old."  
734  
735 NEIL DUNN: Regardless of whether they're pets?  
736  
737 LARRY O'SULLIVAN: Regardless of whether they're pets or not....right.  
738  
739 JACKIE BENARD: That's why I...I just want to...  
740  
741 LARRY O'SULLIVAN: Okay, so four.  
742  
743 JACKIE BENARD: Yeah.  
744  
745 LARRY O'SULLIVAN: You can have four dogs in your home and it would be fine.  
746  
747 JIM SMITH: No, three....four or more.  
748  
749 JACKIE BENARD: Because as soon as you have that forth one it becomes accounted for...  
750  
751 LARRY O'SULLIVAN: Right, that's what...that's what I just said.  
752  
753 JACKIE BENARD: So you can have...only have three.  
754  
755 JIM SMITH: No, they can't.  
756  
757 JACKIE BENARD: Three. You can own three.  
758  
759 LARRY O'SULLIVAN: I see....I see. Gotcha.  
760

761 JACKIE BENARD: Okay.  
762  
763 JIM SMITH: So a kennel couldn't be...you couldn't have a kennel on this piece of property.  
764  
765 LARRY O'SULLIVAN: Mm-hmm  
766  
767 JIM SMITH: Which means the most you can have is three dogs...unless they're less than six months old.  
768 Obviously if you have a litter...  
769  
770 JACKIE BENARD: A litter, yeah.  
771  
772 JIM SMITH: So three is built right into the regulations as far as the limit...  
773  
774 LARRY O'SULLIVAN: Before you have a kennel.  
775  
776 JIM SMITH: Right.  
777  
778 LARRY O'SULLIVAN: Okay.  
779  
780 JIM SMITH: But they need two acres to have a kennel. If you have less than two acres...  
781  
782 LARRY O'SULLIVAN: They'll never get a kennel.  
783  
784 JAMES SMITH: Right. Without a variance.  
785  
786 LARRY O'SULLIVAN: There's always an exception.  
787  
788 JIM SMITH: Yeah.  
789  
790 [Laughter]  
791  
792 JIM SMITH: Okay, having said that....  
793  
794 LARRY O'SULLIVAN: What is your take on it? You have heard the rest of us. See I'm thinking restrictions, no  
795 unattended dogs outside...that's huge I think.  
796  
797 JIM SMITH: Okay, well there's two parts to this. What she is asking for, I have no real problem with. The seven  
798 employees tells me that she's running a business in her office...I don't know. And when I questioned her she  
799 said she didn't discuss this with Richard. I think they should probably have a special exception for that office to  
800 run the business, as separate from this case.  
801  
802 LARRY O'SULLIVAN: Why? The employees never show up. There's no sign...  
803  
804 JAYE TROTTIER: I know that Richard does not consider an office to be...he doesn't distinguish between  
805 personal use for an office and a business use for an office.

806

807 JIM SMITH: Okay, good.

808

809 JAYE TROTTIER: If it's just an office...

810

811 LARRY O'SULLIVAN: Yeah.

812

813 JAYE TROTTIER: Nobody coming to the house...

814

815 LARRY O'SULLIVAN: [indistinct]

816

817 JAYE TROTTIER: ...no deliveries...than it's...

818

819 JIM SMITH: Okay, that clarifies that one. Good. Okay now we are back to the basic case. Now I have no real  
820 objection to it. I...having three dogs there is typical of a residential neighborhood in this town. I know for a  
821 fact that my own neighborhood there's a woman that she's walking different dogs, I suspect that  
822 she's...something similar to what you're doing...

823

824 LARRY O'SULLIVAN: Mm-hmm.

825

826 JAMES SMITH: Rescue dogs...takes them for a short time. Walks them. You see her walking them in the  
827 neighborhood, and nobody has raised any objection to that activity...so...

828

829 LARRY O'SULLIVAN: We have it in my neighborhood.

830

831 JIM SMITH: Yeah, so having said that, I will entertain a motion, if there's no other comments.

832

833 LARRY O'SULLIVAN: Alright, how about...let's talk about the restrictions...okay.

834

835 JIM SMITH: Okay

836

837 LARRY O'SULLIVAN: One of the things that I would like to put in there...you're smiling at me....

838

839 [Laughter]

840

841 NEIL DUNN: It could be your last...it could be your last....

842

843 [Laughter]

844

845 LARRY O'SULLIVAN: It is, yeah, as a matter of fact....In this, Jackie's also open for discussion, that we have no  
846 unattended dogs outside. Now...what I see as an unattended dog is a dog that doesn't have a human being  
847 nearby, as opposed to a dog that's on a leash or on a rope or something along those lines, outside by itself.  
848 Ok? So, that means there has to be a human nearby. I'm making that definition clear because that's what I  
849 would like to put as a restriction; that there needs to be a human nearby, but we can't leave it unattended.  
850 Then we have a...

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JIM SMITH: In other words, within that fenced in area the dog has to have a human being there...

LARRY O'SULLIVAN: Whether it's inside the fenced area or not.

JIM SMITH: Yeah.

LARRY O'SULLIVAN: I don't think that fenced-in area is there just for the dogs.

JIM SMITH: Yeah, it's too elaborate.

LARRY O'SULLIVAN: But I think it's key for that neighbors that the dogs be attended, to be able to prevent what they are worried about. So if they saw the dogs outside by themselves, they'd be able to call their neighbors and say, 'are the dogs outside by themselves?' or to get off on the right foot I guess say, 'ok, we've got two dogs, would you be able to watch them from time to time or take them, you know when I go on vacation.' So as far as I'm concerned, this is a good services for that neighborhood too.

JIM SMITH: Well I don't think....I don't think it's that kind of a service.

LARRY O'SULLIVAN: In-home sitting...

JIM SMITH: Yeah, but she's saying she takes them for a weekend or...

LARRY O'SULLIVAN: Are you going on vacation? I could drop the the dogs off for \$48 a day or whatever it was...

[Chuckling]

JIM SMITH: Okay.

LARRY O'SULLIVAN: No more than three dogs on the property at a time.

JIM SMITH: Okay.

LARRY O'SULLIVAN: So I have those two restrictions, if you have any others that you'd want, now's the time.

NEIL DUNN: Help me with the 'unattended.' I have a dog and I let it go outside to go do whatever it needs to do and I would have to go outside with it on a cold, eleven o'clock at night in my pajamas? Is that what you're asking?

LARRY O'SULLIVAN: You probably do what I do when I'm watching the grand puppy...you stand there at the door and you watch him.

[Chuckling]

895 NEIL DUNN: Okay, I'm getting back to the unattended and it sounded like they had to be out in the yard and if  
896 they have a big fenced in area, is being in the house being attended, I guess. Or do they....or are the neighbors  
897 going to say hey they weren't physically out there and we are going to have....again, just because you were  
898 being so descriptive about the 'unattended'...I agree someone needs to be on the property at all times if they  
899 are fostering or siting...I mean my dog stays home alone...

900  
901 LARRY O'SULLIVAN: You let your dog outside and close your door and let him freeze his own legs off so...

902  
903 NEIL DUNN: He barks when he wants to come back in...

904  
905 [Laughter]

906  
907 LARRY O'SULLIVAN: He barks when he's ready...right?

908  
909 NEIL DUNN: Well...all I was saying was that you were referring to someone...the dog being attended. It  
910 sounded like you wanted somebody physically in the back yard with them and I...I'm looking for clarification  
911 because for me, that's a little bit more of a stretch than....someone needing to be home if the dogs are out.

912  
913 JIM SMITH: Well....well...

914  
915 NEIL DUNN: If you have a big fenced in yard it's a summer day and you want to let them outdoors in the yard...

916  
917 JIM SMITH: I think what we're talking about, you're talking about your dog, which is the family pet whose  
918 familiar with the thing, you know dog is going to stay within the area...

919  
920 LARRY O'SULLIVAN: It's kind of routine.

921  
922 JIM SMITH: We....we're....you're talking about various dogs, which are not normally housed at that location.  
923 Yes, I think the person needs to be out there with them.

924  
925 LARRY O'SULLIVAN: There's a responsibility...

926  
927 JIM SMITH: Because it's a different scenario...

928  
929 LARRY O'SULLIVAN: It's also much...I think...more serious and more responsibility since it's a profession. You're  
930 watching the dog, you know...

931  
932 JIM SMITH: Yeah, and see the, other problem that you have; if it's not within a fenced area and they run  
933 someplace else, where is the dog going to end up?

934  
935 NEIL DUNN: No, no...

936  
937 JIM SMITH: It could take off.

938

939 NEIL DUNN: But because of the fenced in area, is the reason I'm saying that. I mean otherwise yes you...it  
940 should be leashed....

941

942 JIM SMITH: Yeah.

943

944 NEIL DUNN: Or someone out there with them, but because it is so well fenced in, I don't know I....I'm just  
945 looking for clarification.

946

947 JAMES SMITH: I think somebody needs to be out there with the dog, in this scenario, versus your personal pet  
948 who you know. Where that dog will go and how far it will go and it's, you know, I know neighbors that have  
949 those invisible fence type things, and the dogs train with those collars and so forth. You understand the dog is  
950 restricted by that fence.

951

952 LARRY O'SULLIVAN: Yeah, but these are just visiting puppies so...

953

954 JIM SMITH: These are dogs that are there for anywhere from a few days to a week....it....

955

956 LARRY O'SULLIVAN: Or a few.

957

958 JIM SMITH: Also, one of the things...one of the things she described was a lot of these dogs potentially could  
959 be elderly or...so they probably need to be supervised more from a physical point of view as far as their own  
960 wellbeing.

961

962 NEIL DUNN: Okay, so will her own pet get her in trouble...them in trouble? I don't mean to...if they let that  
963 happen. Again, only because we are trying to be so focused and I appreciate that...

964

965 JIM SMITH: I think that's going to be...an unattended consequence.

966

967 NEIL DUNN: Okay, again...again...

968

969 JIM SMITH: Because how is the neighbor going to differentiate between her dog and another dog?

970

971 NEIL DUNN: That's why I was wondering if we were looking at that fenced in area as someone being home, but  
972 again I'm just bringing that for part of the discussion for your motion so I wasn't...

973

974 LARRY O'SULLIVAN: Okay, how you clarify it then?

975

976 NEIL DUNN: My thought is if someone is home and...

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978 JIM SMITH: Yeah, I don't think that's enough.

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980 NEIL DUNN: I mean, I don't know. If there are dogs there and they have a great fenced in area and  
981 there...there looking after them because it is a business or they're...they need some kind of special care, they  
982 will be keeping an eye on them. It's a beautiful summer day and you have your windows open and your  
983 cooking or something and you let the dogs run out in the back fenced in area...I...

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JACKIE BENARD: Well, she did mention that when she goes that's what the crates are for.

NEIL DUNN: No, right....exactly.

JACKIE BENARD: And she does not leave them unattended.

LARRY O'SULLIVAN: I wrote down 'Not left outside on their own.'

JACKIE BENARD: Yeah. So...

LARRY O'SULLIVAN: That's exactly what she said.

NEIL DUNN: Okay.

JACKIE BENARD: Yeah.

JIM SMITH: So our interpretation is the restriction would be that someone who physically has to be out with the dog if they're outside.

LARRY O'SULLIVAN: So no unattended dogs outside is not sufficient, or is it?

JIM SMITH: Yeah, I think so.

LARRY O'SULLIVAN: Okay.

JAMES SMITH: That's the way I would...

LARRY O'SULLIVAN: You alright with that now, too?

NEIL DUNN: I'm just saying...to me...I was just looking for...

LARRY O'SULLIVAN: Okay, so you're...

JAMES SMITH: That's the trouble with the English language, and you're trying to put it down on paper. What you intend and what somebody reads on the other end may or may not be the same thing.

LARRY O'SULLIVAN: You all set with that too, Jackie?

JACKIE BENARD: I'm okay with that.

LARRY O'SULLIVAN: Those restrictions that...

JACKIE BENARD: I'm okay with that.

029 LARRY O'SULLIVAN: Okay. Are you Jim?

030  
031 JAMES SMITH: Yeah.

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033 LARRY O'SULLIVAN: I make a motion to approve special exception 12/18/2013-1 with the following  
034 restrictions: that no more than three dogs be on the property at a time, and that no unattended dogs will be  
035 left outside. And yes, it is up to the neighbors. You know, we have a....probably 15 special exceptions a year  
036 that we do here on this Board and it is people who want to have small businesses in their houses that, because  
037 we don't have the manpower to, as a town, to monitor...and we require the responsibility of the property  
038 owners that are nearby be increased. It's the cost of vigilance and the cost of the way the town wants to be.  
039 Our Master Plan promotes small business' and home offices, home businesses, how daycare and...

040  
041 NEIL DUNN: Did you get a second Mr. Chairman?

042  
043 JAMES SMITH: What?

044  
045 NEIL DUNN: Did you get a second?

046  
047 JACKIE BENARD: I'll second.

048  
049 NEIL DUNN: Oh, you did. Okay I just wanted to make sure.

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051 JIM SMITH: Just for everybody's...information...Jackie is a voting alternate because we don't have anybody else  
052 at this point.

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054 [Laughter]

055  
056 Clerk Dunn read the voting results into the record. The request was granted with restrictions.

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058 RESULT: THE MOTION TO GRANT CASE NO. 12/18/2013-1 WITH RESTRICITONS WAS APPROVED, 4-0-0.

059  
060 RESPECTFULLY SUBMITTED,

061 

062 NEIL DUNN, CLERK

063  
064 TYPED AND TRANSCRIBED BY KIRBY WADE, EXECUTIVE ASSISTANT

065  
066 **APPROVED MARCH 19, 2014** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY JACKIE BENARD AND  
067 APPROVED, 3-0-1 WITH DAVID PAQUETTE ABSTAINING AS HE DID NOT ATTEND THE MEETING.