

1 ZONING BOARD OF ADJUSTMENT
2 268B MAMMOTH ROAD
3 LONDONDERRY, NH 03053
4

5 DATE: DECEMBER 16, 2009

6
7 CASE NO.: 12/16/2009-1

8
9 APPLICANT: STEPHEN J. AND MARILOU E. MARTEL
10 5 CLARK ROAD
11 LONDONDERRY, NH 03053

12
13 LOCATION: 5 CLARK ROAD, 15-72, AR-I
14

15 BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR
16 YVES STEGER, VOTING MEMBER
17 NEIL DUNN, VOTING MEMBER
18 JIM SMITH, VOTING MEMBER
19 MICHAEL GALLAGHER, NON-VOTING ALTERNATE
20 MATTHEW NEUMAN, NON-VOTING ALTERNATE
21 JOE GREEN, NON-VOTING ALTERNATE
22 LARRY O'SULLIVAN, CLERK
23

24 ALSO PRESENT: RICHARD CANUEL, SENIOR BUILDING INSPECTOR/
25 ZONING OFFICER
26

27 REQUEST: SPECIAL EXCEPTION TO ALLOW AN ELECTRONIC
28 REPAIR BUSINESS AS A HOME OCCUPATION IN
29 ACCORDANCE WITH THE PROVISIONS OF SECTION 3.12.
30

31 PRESENTATION: CASE NO. 12/16/2009-1 WAS READ INTO THE RECORD WITH ONE
32 PREVIOUS CASE LISTED.
33

34 VICKI KEENAN: So if you would, please come up to the microphone, state your name and
35 address and then present your case and once you've done that, sort of read through your
36 application.
37

38 STEPHEN MARTEL: My name is Stephen Martel, 5 Clark Road. And I have a sample. I also
39 have some additional information that I would like to submit or present. Here's eight (8)
40 copies.
41

42 MATT NEUMAN: Thank you.
43

44 STEPHEN MARTEL: Okay, the additional information, you should find a revised basement
45 drawing [see Exhibit "B"] that shows the correct square footage of the proposed home
46 occupation area. And a copy of my presentation [see Exhibit "A"] and some digital readout
47 literature [see Exhibit "C"] which helps explain what one of these are [applicant displays digital
48 readout in view of the Board]. I am Stephen Martel, a life-long resident of 5 Clark Road,
49 Londonderry. I worked twenty six (26) years for Metronics Incorporated located in Bedford,
50 New Hampshire. September 30th, they closed their doors. I am currently unemployed. Today I
51 request the permission for a home occupation. The home occupation will be a repair service for
52 out-of-warranty digital readouts. This is a digital readout here, one of our latest products.
53 We've built them in all different shapes and sizes for the past twenty six (26) years. There's
54 basically from the size of a bread box down to even smaller than this. And some are even PC
55 based. My home occupation will be a repair service. And it will be carried out by me, only
56 within my home and will be incidental and secondary to the use of the property as a home.
57 Hours of operation will be eight (8) AM to five (5) PM, Monday through Friday. No exterior
58 renovations or construction, nor outside storage of any materials related to this home
59 occupation will take place. The residential character will not change. The home occupation will
60 occupy less than twenty five (25) percent of the normal living area of the home. All waste
61 created from this service will be E-cycled by an Electronic Recycling Program. No unusual
62 sight, light, noise or smell will be created. Customer contact will primarily be done through the
63 internet, mail, and telephone. Products will primarily be sent through the U.S. mail, UPS and
64 FedEx. No increase in traffic on Clark Road will take place since U.S. Mail and UPS currently
65 drive by my house on a daily basis. Additionally, I'm requesting the Board of Adjustment to
66 permit me the option to employ one (1) additional employee on site. I am now prepared to
67 answer any questions the Board may have.

68
69 VICKI KEENAN: I have a question. You had mentioned recycling the waste.

70
71 STEPHEN MARTEL: Yes.

72
73 VICKI KEENAN: How much waste is that weekly and how does it get trucked off and where
74 does it go and what is that waste?

75
76 STEPHEN MARTEL: Okay. If I get enough business to even repair one (1) of these a day, I
77 would be happy. The waste would be, depending on what is broken on this unit, it could be the
78 LCD, it could...maybe it needs just a battery, which is identical to one you would find in your
79 key fob for your remote starter for your car or the push button membrane or it could be a
80 computer chip the size of a penny. I would place it into a plastic tote and either they would
81 come pick it up or I could deliver it to them. There is thirty seven (37), I checked today, thirty
82 seven (37) programs in New Hampshire alone that accepts electronic equipment, that they
83 recycle it for me. And some companies will actually pay for it. They'll take these LCD's and
84 they turn it into money.

85
86 VICKI KEENAN: How much on a weekly basis do you think you'd accumulate in waste?
87

88 STEPHEN MARTEL: It would possibly be like a twelve (12)-inch square cardboard box.
89
90 VICKI KEENAN: And these companies come by truck to pick them up weekly, bi-weekly,
91 or...?
92
93 STEPHEN MARTEL: Well, there is thirty seven (37) facilities in New Hampshire. I could, if...I
94 could drop it off myself if I had to. Or they do offer pickup.
95
96 LARRY O'SULLIVAN: Isn't there one in Derry?
97
98 STEPHEN MARTEL: I think, yes, there's one in Derry...
99
100 LARRY O'SULLIVAN: Will they take everything that you'll have as waste, do you know, or...?
101
102 STEPHEN MARTEL: It would be considered...as if someone, a resident in Londonderry is
103 throwing away a CRT monitor, they would have to take it to somewhere in the town to be
104 recycled.
105
106 LARRY O'SULLIVAN: Well, we would take it, in our town, we would take it, if the center is
107 open...
108
109 NEIL DUNN: West Road.
110
111 LARRY O'SULLIVAN: ...and it's seasonal on West Road. However, it's a seven (7) dollar drop
112 off fee, I think it is, for a CRT or an LCD. But in the meantime...
113
114 STEPHEN MARTEL: Well, what I would do is, I believe the company that we used to do
115 business with would come and pick this up, the waste, and they would actually pay us, after
116 they figure out how much it was worth to them.
117
118 LARRY O'SULLIVAN: Would you use any materials to resurface the boards or anything along
119 those lines? What we're concerned about is the same thing that your neighbors would be
120 concerned about, since you're in a residential area. The sight, the smell, the...what you may use
121 as waste products to make sure they wind up in the right place. If you were working with lead,
122 the hot leaded or the types of materials that are used to heat up the components of that...you're
123 talking about some dangerous byproducts. And we're concerned about it.
124
125 STEPHEN MARTEL: Okay. I understand.
126
127 LARRY O'SULLIVAN: So if you would kindly address that and how you handle that.
128
129 STEPHEN MARTEL: Yup. A very good question. We currently use an unleaded solder to
130 RoHS, which is a federation to try to reduce dangerous chemicals in our ground an
131 environment. The fluxes could create...will create a smoke while...my tools would basically be

132 a screwdriver to disassemble and possible a solder iron, if it was a defective component, we run
133 a solder and we solder on a computer chip.
134
135 MATT NEUMAN: Would you ever have to fabricate any parts on your own or...?
136
137 STEPHEN MARTEL: I would not have to...have a machine shop to fabricate anything. All
138 parts should be off the shelf.
139
140 YVES STEGER: Are these board surface mounted?
141
142 STEPHEN MARTEL: They're surface mount computer chips, yes.
143
144 YVES STEGER: So, in most cases, you can't even [indistinct] solder them without destroying
145 them completely.
146
147 STEPHEN MARTEL: I have re-soldered and re-soldered
148
149 [CD and tape change simultaneously]
150
151 STEPHEN MARTEL: I have the knowledge of how to do it. I would need to use a microscope
152 and a very fine tip solder iron.
153
154 YVES STEGER: Okay. Because with the new technologies, essentially, if something happens to
155 any component on the board itself, you throw away the board and you replace the board. You
156 don't try to do it on a component by component basis, correct?
157
158 STEPHEN MARTEL: There is a couple components that are a type of surface mount which is a
159 [indistinct], which you can't see any of the...
160
161 YVES STEGER: Mm-hmm.
162
163 STEPHEN MARTEL: ...solder joints. In that case...
164
165 YVES STEGER: They're not through holes.
166
167 STEPHEN MARTEL: Right, they're not through holes or you can't see the links of the solder
168 joints.
169
170 YVES STEGER: Mm-hmm.
171
172 STEPHEN MARTEL: And in that case, I would have to replace the whole circuit board.
173
174 YVES STEGER: Now you said that the lead you use is RoHS compliant?
175

176 STEPHEN MARTEL: Yes.
177
178 YVES STEGER: Are the products themselves RoHS compliant?
179
180 STEPHEN MARTEL: The products are RoHS compliant.
181
182 YVES STEGER: Okay.
183
184 VICKI KEENAN: You requested a sign on your application but you said there would be no
185 customers coming to the site.
186
187 STEPHEN MARTEL: Well, I wouldn't want the UPS driver to drive by and I was thinking of
188 just having the name of the company on the door entrance of my business.
189
190 YVES STEGER: An area of three (3) feet is acceptable?
191
192 VICKI KEENAN: Mm-hmm.
193
194 RICHARD CANUEL: Yeah, that's the [indistinct]
195
196 YVES STEGER: Okay.
197
198 VICKI KEENAN: Is that door the exterior door that's located on the handout you provided?
199
200 STEPHEN MARTEL: Yes, correct.
201
202 VICKI KEENAN: Okay.
203
204 NEIL DUNN: There's nothing that would really limit you to only these devices. If they're out
205 of business, I'm presuming are all Metronics, and you wanted to do flat screen TV's or any other
206 electronics, if we gave you permission for an electronic business, you'd be doing those too or
207 conceivably, the waste could go up and if you went into bigger products, would you have room
208 for storage? I did go by there and notice there was a bunch of trailers out there and my concern
209 is how do we keep the home business from ending up out in those trailers?
210
211 STEPHEN MARTEL: I expect that the amount of just repairing these units that we produced
212 over the past twenty six (26) years will keep me busy for at least ten (10) years. There is a lot of
213 them out there and there's the need of someone to repair them.
214
215 LARRY O'SULLIVAN: Do you live in the home, Mr. Martel?
216
217 STEPHEN MARTEL: I do.
218
219 LARRY O'SULLIVAN: Do you have a family?

220
221 STEPHEN MARTEL: I do. I have a wife and a granddaughter.
222
223 JOE GREEN: Are any of these family members being intended to be employees?
224
225 STEPHEN MARTEL: My wife has asked to help and...but she has a full plate already with her
226 job and her continuing education.
227
228 LARRY O'SULLIVAN: Were you planning on asking for an outside employee?
229
230 STEPHEN MARTEL: Yes.
231
232 VICKI KEENAN: I'm looking at...I didn't get a chance to drive by but I'm looking at the aerial
233 and I didn't see the driveway. Neil, you said you drive by? Is there plenty of parking for family
234 plus an outside employee?
235
236 NEIL DUNN: It looked like there was to me. There's also two (2) large trailers in the back, so, I
237 mean, he got those in, so...I know the aerial photography doesn't show it very well but...
238
239 VICKI KEENAN: Yeah.
240
241 NEIL DUNN: It looked like there would have been plenty of parking, yeah.
242
243 LARRY O'SULLIVAN: There are trailers in the back yard?
244
245 NEIL DUNN: Mm-hmm.
246
247 YVES STEGER: Well the parking driveway is thirty four (34) by seventy five (75).
248
249 VICKI KEENAN: Oh, okay. I got it.
250
251 LARRY O'SULLIVAN: Are you talking about storage trailers in the backyard?
252
253 NEIL DUNN: Mm-hmm.
254
255 VICKI KEENAN: [indistinct]
256
257 YVES STEGER: That's about three (3) times the size of the house.
258
259 LARRY O'SULLIVAN: Oh.
260
261 VICKI KEENAN: Yup. Okay.

262

263 LARRY O'SULLIVAN: Mr. Martel, since you have storage trailers currently on the premises,
264 can I ask what they're used for?

265

266 STEPHEN MARTEL: Those are household stuff that when we remodeled, we had to remove all
267 the old stuff out of the house first and it's still in storage. I would like to remove those as soon
268 as I can but right now the ground is kind of wet and snowy. But coming this spring, I'll be
269 home every day and I'm going to make the yard look better and I don't want them there myself
270 because they are an eyesore, I agree.

271

272 VICKI KEENAN: How many of these units do you expect to receive daily?

273

274 STEPHEN MARTEL: I would hope to receive at least one (1) a day. I could probably receive
275 up to five (5).

276

277 MATT NEUMAN: So then, you receive them, you repair them and then you ship them back
278 out?

279

280 STEPHEN MARTEL: Correct.

281

282 MATT NEUMAN: What's the...I know it's hard to say, but what's the general turnaround time
283 for a unit?

284

285 STEPHEN MARTEL: The turnaround time?

286

287 MATT NEUMAN: Mm-hmm.

288

289 STEPHEN MARTEL: A lot of the problems could be fixed within a half (1/2) an hour or you
290 may run into one that would take two (2) hours a piece.

291

292 MATT NEUMAN: So a product shouldn't be on site for more than a day or two before you're
293 shipping it back out.

294

295 STEPHEN MARTEL: It shouldn't, no.

296

297 MATT NEUMAN: So there's not gonna be a huge accumulation of these digital units?

298

299 STEPHEN MARTEL: No. Actually, the re-work department at the company I worked at was
300 half the size of my proposed occupational area. And we had some sitting on the shelf for
301 customer approval on price that may have been there for thirty (30) days and like I said, I have
302 plenty of space in the occupational area to have just one (1) shelf with a couple of units on it.

303

304 MATT NEUMAN: Okay.

305

306 NEIL DUNN: I think my bigger concern is, though, in allowing the special exception for
307 electronic repair business, that it can go to much more than just these little units. And also the
308 waste and stuff. And I wouldn't mean to limit you to by any means because, to be honest with
309 you, I've been a net technician before too. So, I guess it gets... I think if we're just thinking that's
310 all it is, we can't think in that mode, is just a point I'm looking at.

311
312 VICKI KEENAN: Is that all...

313
314 NEIL DUNN: We're saying it's electronic repair business. We're not saying 'Martel only' or...

315
316 VICKI KEENAN: Is that all you intended to do?

317
318 STEPHEN MARTEL: Some of our digital readouts are PC based, so I would be repairing a PC
319 that would have our circuit boards in it and our software.

320
321 VICKI KEENAN: Would it be limiting to you to restrict you to only that type of equipment?

322
323 STEPHEN MARTEL: Just to digital readouts would be fine.

324
325 VICKI KEENAN: Or the PC based?

326
327 STEPHEN MARTEL: Some of them are PC based...

328
329 VICKI KEENAN: Yeah.

330
331 STEPHEN MARTEL: ...so I would need to be able to repair PC's.

332
333 VICKI KEENAN: Okay. Does that make you feel a little better, Neil? Some limitation to it?

334
335 NEIL DUNN: No, I think we're tying his hands and that wasn't my point of bringing up that
336 point. My point was it's an electronic home repair business, my concern was on the storage,
337 outside storage, and he has existing trailers and that if we're thinking that that's all he's limited
338 to, there's nothing there. And I don't really think we should restrict him to only that. I think we
339 need to look at, it's an electronic repair business, can he do it from the home, can it fall in the
340 guidelines and can he do LCD TV's and other stuff and keep it all contained within the house? I
341 think it would be... I mean, personally, if he was willing to accept a restriction to only those
342 units, I think it would be kind of hard to enforce and crazy but, I'm just trying to make sure it's
343 electronic repair business left in the house and that it meets our parameters.

344
345 LARRY O'SULLIVAN: I think we're all in the same boat. One of the limitations, or one of the
346 requirements that we limit and are not allowed to approve, something that approaches a
347 machine shop. So we're trying to make sure that there's a line that you don't have a machine
348 shop there in any way, shape, manner or form. Because it is just not even to be considered as a
349 home occupation. So we're on a fine line when we're talking about an electronics repair shop.

350 So we're gonna walk this line and be very careful to limit you to ensure that safety and
351 propriety to match what we're allowed to do. Okay?

352
353 STEPHEN MARTEL: Mm-hmm.

354
355 VICKI KEENAN: Any further questions from the Board? No? Why don't we open it up to the
356 public. Is there anyone here to comment in favor or against the application? Seeing none, is
357 there anything else you would like to add before we bring it back to the Board for deliberation?

358
359 STEPHEN MARTEL: Well I would probably like the option of doing LCD repair if this business
360 doesn't take off. If I have trouble finding the customers that have these that are breaking down.
361 LCD repair would be an option, too.

362
363 VICKI KEENAN: Okay. Thank you.

364
365 NEIL DUNN: May I ask a question of Richard? Richard, getting back to the outside storage,
366 there's two (2) trailers on the property. They don't look like rentals.

367
368 RICHARD CANUEL: Mmm.

369
370 NEIL DUNN: In a home occupation, would we be looking at that as outside storage? Or is it
371 referring to something left out in the open, so to speak?

372
373 RICHARD CANUEL: Well, we have two separate issues now. Number one, that's the first I
374 know about the outside storage, which is an enforcement issue in itself, because our ordinance
375 does limit the type of outside storage that you can do on a residential property. So that's a
376 separate issue that I need to deal with the applicant on. As far as outside storage for the home
377 occupation, that's not allowed by the ordinance...

378
379 LARRY O'SULLIVAN: Period, right.

380
381 RICHARD CANUEL: ...so everything has to be within that twenty five (25) percent area for
382 the home occupation.

383
384 STEPHEN MARTEL: Yes, all storage for any of this home occupation will be within the home
385 occupation area. None of it will be stored outside in any trailers or anywhere outside.

386
387 LARRY O'SULLIVAN: Mr. Martel, right now you have a couple of trailers on the premises and
388 our concern, again, is what we're allowed and required to do.

389
390 STEPHEN MARTEL: Mm-hmm.

391

392 LARRY O'SULLIVAN: Two things. One of them is you have them there now. That's an
393 enforcement issue that the Town's gonna...you said you wanted to get rid of them, but the
394 Town's gonna address anyway.
395
396 STEPHEN MARTEL: Mm-hmm.
397
398 LARRY O'SULLIVAN: Meanwhile, your plan was, and you mentioned that you wanted them
399 out of there anyway...
400
401 STEPHEN MARTEL: Yes.
402
403 LARRY O'SULLIVAN: May I ask the time frame that you were planning on getting rid of
404 those?
405
406 STEPHEN MARTEL: Next spring I plan on getting a building permit to have a garage built and
407 I can use the garage for storage of the home product. The stuff...this is just stuff I've
408 accumulated over the years and it's some furniture and whatnot.
409
410 LARRY O'SULLIVAN: So the kind of thing that you can put into a rental space or something
411 but obviously less expensive to do it this way.
412
413 STEPHEN MARTEL: Yes.
414
415 LARRY O'SULLIVAN: Okay. So it's springtime. When were you planning on starting your
416 business?
417
418 STEPHEN MARTEL: I'm hoping to start it in January...
419
420 LARRY O'SULLIVAN: Well would there be any reason that you couldn't start it after you
421 remove those?
422
423 STEPHEN MARTEL: Well, right now I have no income...
424
425 YVES STEGER: I wanna stop this.
426
427 VICKI KEENAN: This is an enforcement thing, yeah. This seems silly.
428
429 YVES STEGER: It doesn't make any sense because if he uses outside storage, we cannot even
430 approve.
431
432 VICKI KEENAN: It's total enforcement.
433
434 YVES STEGER: Okay? So those things are totally unrelated.

435
436 VICKI KEENAN: Yeah.
437
438 LARRY O'SULLIVAN: I see where you're going.
439
440 YVES STEGER: I don't even wanna hear about it anymore.
441
442 VICKI KEENAN: Yeah.
443
444 LARRY O'SULLIVAN: Okay.
445
446 YVES STEGER: Otherwise, we have to deny the...
447
448 LARRY O'SULLIVAN: Absolutely.
449
450 YVES STEGER: So, he has said in his application there will be no outside storage of material.
451 He could have ten (10) trailers in his land. I don't care as far as this exception is concerned.
452
453 VICKI KEENAN: Right. That's for Richard to worry about. Okay. Let's bring it back to the
454 Board for deliberation.
455
456 STEPHEN MARTEL: Thank you.
457
458 VICKI KEENAN: You're welcome.
459
460 DELIBERATIONS:
461
462 VICKI KEENAN: I have a comment, of course. I always do. 'Electronic repair business' seems
463 very broad. The scope of the type of electronics that they could repair is numerous that could
464 contain materials that we may not want in a residence. But they are...I don't know, Yves,
465 you're much smarter than I am, I'm sure you could list off a number of them.
466
467 YVES STEGER: No I'm not.
468
469 VICKI KEENAN: So, when I asked the question to him about limitations or restrictions on the
470 type of electronics with which he could repair, that was sort of what was driving that...
471
472 YVES STEGER: Mm-hmm.
473
474 VICKI KEENAN: ...because I'm concerned about products with lead, mercury, you know, I'm a
475 biology background, I'm not a scientist by any means. I'm never gonna claim to be, but, you
476 know, the fact that he was okay with those limitations doesn't concern me about his, sort of,
477 being able to be productive and have a good business. He could always come back for another
478 variance. So I just ask the Board to think about that as we're going through this. Where the

479 applicant was, you know, willing to accept those restrictions, we might want to seriously
480 consider that.

481

482 LARRY O'SULLIVAN: So the specifics of it is really...

483

484 YVES STEGER: How would you describe the restriction?

485

486 MATT NEUMAN: I think it's gonna be tough to restrict that, though, that's gonna be...

487

488 VICKI KEENAN: Yeah, I don't know if it's...

489

490 YVES STEGER: See, electronic is pretty specific.

491

492 VICKI KEENAN: Right.

493

494 YVES STEGER: Okay? It's not big currents. It's anything that will run on two (2), three (3), six
495 (6), twelve (12) or at most, forty eight (48) volts.

496

497 VICKI KEENAN: Okay.

498

499 YVES STEGER: Okay?

500

501 VICKI KEENAN: But could they contain materials that we wouldn't want stored in...

502

503 YVES STEGER: Yes, they do. All of them do.

504

505 VICKI KEENAN: Right.

506

507 YVES STEGER: Your TV does.

508

509 VICKI KEENAN: Right.

510

511 YVES STEGER: RoHS and all the other standards have only come out in the last five (5), ten
512 (10) years and they started in Europe and they are being imported now in the U.S. So, yes, your
513 TV screen, if it's not a flat screen TV, will contain mercury and a number of other things. So
514 does your lights. So...

515

516 JOE GREEN: Can't we be specific about what we allow to be repaired there? Instead of
517 allowing an electronic repair shop, allow a specific repair to be done on premises?

518

519 YVES STEGER: Such as what?

520

521 LARRY O'SULLIVAN: How would you ever...?

522

523 YVES STEGER: See, electronics...
524
525 JOE GREEN: Digital readout, PC's...
526
527 YVES STEGER: ...he could do PC's, I mean...
528
529 JOE GREEN: Digital readout, PC's.
530
531 LARRY O'SULLIVAN: How would you ever enforce it?
532
533 VICKI KEENAN: Through a complaint.
534
535 YVES STEGER: I mean, what are you afraid of?
536
537 VICKI KEENAN: I don't know.
538
539 YVES STEGER: His business is, right now, is doing a specific product.
540
541 JOE GREEN: [indistinct]?
542
543 VICKI KEENAN: I don't know.
544
545 JOE GREEN: Yup.
546
547 YVES STEGER: When those products don't exist anymore in the market because they are all
548 done, he can do something else. He could do PC repair.
549
550 JOE GREEN: To answer your question, the larger the products are, the more hazardous
551 material byproducts, et cetera, waste from those repairs. So that's what I was worried about.
552
553 YVES STEGER: Correct, but all the people that are using those products have those hazardous
554 materials in there, too. So it's only those that he has to remove from the product...
555
556 JOE GREEN: Mm-hmm.
557
558 YVES STEGER: ...that are of concern and he has a plan, which I think is reasonable to eliminate
559 them in a way that will not endanger the public and if he does any soldering, he has mentioned
560 that he's using RoHS compliant solders, which do not contain hazardous materials.
561
562 JOE GREEN: I mean, I don't do this for a living so I don't know if they start to do big LCD TV's
563 and all these other things, if you could really fit it in a plastic box, I think that was what we
564 heard, it's gonna be placed in a plastic box and then disposed of that way, I mean, what is the
565 next stage is? I think that's what we're talking about here is when it gets larger.
566

567 MICHAEL GALLAGHER: I think, again, we gonna restrict the area that he can use it in...
568
569 VICKI KEENAN: Right.
570
571 MICHAEL GALLAGHER: ...so, I mean, it's a business, he's got to get rid of this stuff legally.
572 He can't store it outside. Again, what's the enforcement issue? It's not for us, I don't think, to
573 enforce that. We can...restricting the area, I think, is enough. I think, again, we will tie the
574 man's hands if we try...
575
576 JOE GREEN: Mm-hmm.
577
578 MICHAEL GALLAGHER: You know, who the...? Like, you know, you had mentioned it, too,
579 Joe, you know, it might spawn off something else.
580
581 VICKI KEENAN: Sure.
582
583 MICHAEL GALLAGHER: You know, technology is changing so fast...
584
585 VICKI KEENAN: Valid point.
586
587 MICHAEL GALLAGHER: I guess the bottom line is we're here to say, 'okay, no storage
588 outside,' of course and, 'you're limited to this space.'
589
590 YVES STEGER: Yeah. See, what people don't realize is that he's going to make it a business to
591 repair them. Some people are owning them, you know? Those PC's and so on.
592
593 MICHAEL GALLAGHER: Yeah.
594
595 YVES STEGER: And they contain all those products. I could go through your house and show
596 you what you have in your house and you can kill quite a number of people with everything I
597 will find in your house.
598
599 [laughter]
600
601 VICKI KEENAN: What about commercially based electronics...
602
603 MATT NEUMAN: That's a great thought, Yves.
604
605 LARRY O'SULLIVAN: Hey, I don't wanna go there.
606
607 VICKI KEENAN: ...I mean, we went so far in the last case to say they could only make honey
608 based wine, okay?
609
610 YVES STEGER: Mm-hmm.

611
612 VICKI KEENAN: So, I don't know, honey based wine, or maybe it's some other type of based
613 wine, seems a little less dangerous to me than electronics in general.
614
615 LARRY O'SULLIVAN: Hazardous stuff, yeah.
616
617 JOE GREEN: Absolutely.
618
619 VICKI KEENAN: So, that's my point here. I don't if they're commercially based electronics that
620 can come in that contain other materials beyond what you would find in your home, or my
621 home or any...in this room right now. That's my question, I guess.
622
623 YVES STEGER: So...
624
625 VICKI KEENAN: And they...I mean, it's sort of a question for the Board, it's not...that's, sort of
626 my...
627
628 JIM SMITH: How about a restriction that he has to have an environmentally safe method of
629 disposal of all waste?
630
631 VICKI KEENAN: And storage.
632
633 NEIL DUNN: How do you enforce that? If somebody sees him throwing something in the
634 garbage, they'll call?
635
636 VICKI KEENAN: Right.
637
638 NEIL DUNN: I mean...
639
640 JIM SMITH: That's the only way we can enforce anything.
641
642 VICKI KEENAN: I know. I know, that's scary, too.
643
644 YVES STEGER: I mean, do you know how many people throw their batteries in the trash as
645 well? So...
646
647 VICKI KEENAN: No, I do. Yeah, no, I know. I know.
648
649 JIM SMITH: Did anybody saw that TV program on, what was it, Africa? Most of the electronic
650 waste was all U.S. stuff.
651
652 YVES STEGER: Mm-hmm.
653
654 JIM SMITH: And the kids were out there...

655

656 YVES STEGER: So, I really don't know. I mean, I've been working in electronics for the last
657 thirty five (35) years, so...

658

659 VICKI KEENAN: Mm-hmm. That's why I said you're smarter than I am.

660

661 YVES STEGER: And I didn't die yet.

662

663 VICKI KEENAN: Yeah.

664

665 YVES STEGER: I still have some problem...

666

667 NEIL DUNN: All that tri-chlor?

668

669 [laughter]

670

671 YVES STEGER: But I don't see any way to really restrict that, I mean, those that are reasonable,
672 I mean, he could do things that are very unreasonable. I can imagine, for example, some
673 medical equipment that will contain radioactive equipment, okay?

674

675 JOE GREEN: Radiation.

676

677 YVES STEGER: Well, that's not anymore electronics. That's very specialized, you know?

678

679 VICKI KEENAN: Mm-hmm.

680

681 YVES STEGER: There were people in Brazil that starting emitting lights just because they were
682 doing...touched those products. But that would be way beyond, I mean...

683

684 VICKI KEENAN: Right.

685

686 YVES STEGER: ...he would be probably ending up in jail if he was trying to do that without all
687 the controls, so, but if you're talking about definition of "electronics," the level of danger
688 compared to all other things...

689

690 VICKI KEENAN: Mm-hmm.

691

692 YVES STEGER: ...I think is not more than what you would see in a normal house.

693

694 VICKI KEENAN: Okay.

695

696 MATT NEUMAN: And I think, though, again, the space is gonna self-limit it.

697

698 YVES STEGER: Yeah...

699
700 VICKI KEENAN: It's gonna be limiting.
701
702 YVES STEGER: The space he would have in his basement to do this will limit him to, you
703 know...
704
705 VICKI KEENAN: Okay.
706
707 YVES STEGER: So, personally, I'm not in favor of limiting...
708
709 MATT NEUMAN: That's gonna be the real important issue...
710
711 VICKI KEENAN: Okay.
712
713 MATT NEUMAN: ...is limiting to the space.
714
715 LARRY O'SULLIVAN: Did you say you're not in favor of this type...?
716
717 YVES STEGER: Of making any limitation in this case, no. As long as it is defined as electronic
718 business and that, to me, is a very clear definition. For example, he would not work on
719 transformers.
720
721 VICKI KEENAN: Right.
722
723 YVES STEGER: That is electric, not electronic. And transformers contain copper and all those
724 other isolation material which have a totally different definition and have different kind of
725 environmental issues. So, if you say electronic, which is what he's saying, you know, electronic
726 repair business.
727
728 VICKI KEENAN: Right.
729
730 YVES STEGER: As far as I'm concerned, I personally don't have a problem.
731
732 LARRY O'SULLIVAN: May I ask Richard a question, though?
733
734 VICKI KEENAN: Sure.
735
736 LARRY O'SULLIVAN: Three-twelve-dot-one-dot-eight (3.12.1.8). Richard, Mr. Martel would
737 have to sign a form with you that sets forth the nature of the home occupation and provides
738 detail of the business and scope of its operations? When we put a restriction of if we don't put a
739 restriction on this, how would you place that description on his application or, I'm sorry, his
740 approval of the special exception?
741

742 RICHARD CANUEL: Well, basically, his description is gonna be what is described in his
743 application, basically. If his application is, you know, "repair of electronic equipment," that's
744 what's gonna be on that form.
745
746 LARRY O'SULLIVAN: Is that acceptable?
747
748 RICHARD CANUEL: Yeah, you know, the main concern of the Board, of course, is to protect
749 the residential neighborhood, you know...
750
751 LARRY O'SULLIVAN: Mm-hmm.
752
753 RICHARD CANUEL: ...protect that nature of the residence. You know, I don't see where
754 placing a restriction on this home occupation is going to improve that. Regardless of what type
755 of electronic equipment that the property owner is repairing, I don't think that makes a
756 difference. There isn't gonna be more protection by restricting it to a specific type of equipment,
757 so...
758
759 VICKI KEENAN: Gotcha.
760
761 RICHARD CANUEL: I think the approval would be well served with just limiting it to
762 specifically electronic equipment, regardless of whether it's a PC or television or whatever.
763
764 VICKI KEENAN: Okay. I relent. Okay, I'm satisfied.
765
766 LARRY O'SULLIVAN: Okay. Anybody else? I didn't mean to steal your...
767
768 MICHAEL GALLAGHER: [indistinct]
769
770 LARRY O'SULLIVAN: Say something, Michael.
771
772 MICHAEL GALLAGHER: I agree with Richard.
773
774 LARRY O'SULLIVAN: Okay. Are you ready Madam Chairman?
775
776 VICKI KEENAN: Yes.
777
778 LARRY O'SULLIVAN: For a motion?
779
780 VICKI KEENAN: Sure.
781
782 LARRY O'SULLIVAN: I'd like to make a motion to approve case number 12/16/2009-1 as
783 presented and allow the additional employee.
784
785 VICKI KEENAN: Is there a second to the motion?

786
787 YVES STEGER: I will second.
788
789 VICKI KEENAN: Okay, second. Any discussion around the motion?
790
791 JOE GREEN: And we don't need to add anything for the sign because it's three (3) feet, right?
792
793 VICKI KEENAN: It's already in.
794
795 JOE GREEN: Good.
796
797 VICKI KEENAN: Okay? Alright, seeing no discussion, we'll go to a vote. All those in favor,
798 signify by saying 'aye.'
799
800 JIM SMITH: Aye.
801
802 LARRY O'SULLIVAN: Aye.
803
804 YVES STEGER: Aye.
805
806 NEIL DUNN: Aye.
807
808 VICKI KEENAN: Aye. Opposed? Abstentions? Okay.
809
810 RESULT: THE MOTION TO GRANT CASE NO. 12/16/2009-1 WAS APPROVED, 5-0-0.
811
812 RESPECTFULLY SUBMITTED,
813
814
815
816 LARRY O'SULLIVAN, CLERK
817 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY
818
819 **APPROVED JANUARY 20, 2010** WITH A MOTION MADE BY JIM SMITH, SECONDED BY
820 MATT NEUMAN AND APPROVED 5-0-0.