

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

DATE: JUNE 17, 2009

CASE NOS.: 6/17/2009-1 AND 6/17/2009-2

APPLICANT: RENEE MARTINEZ AND MARYANNE FRANK
512 MAMMOTH ROAD
LONDONDERRY, NH 03053

LOCATION: 512 MAMMOTH ROAD, 15-158, C-II

BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR
JIM SMITH, ALTERNATE (RECUSED)
MICHAEL GALLAGHER, VOTING ALTERNATE
MATTHEW NEUMAN, VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

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

REQUEST: CASE NO. 6/17/2009-1: USE VARIANCE TO ALLOW A HOME
OCCUPATION IN A C-II ZONE WHERE OTHERWISE NOT PERMITTED
BY SECTION 2.2, TABLE OF USES.

CASE NO. 6/17/2009-2: SPECIAL EXCEPTION TO OPERATE A HAIR
SALON AS A HOME OCCUPATION IN AN EXISTING SINGLE FAMILY
RESIDENCE IN ACCORDANCE WITH THE PROVISIONS OF SECTION
3.12

Voting alternate Jim Smith recused himself from hearing or voting on Case 6/17/2009-1 and Case No. 6/17/2009-2 and joined the audience members.

PRESENTATION:

VICKI KEENAN: Jim is going to recuse himself from the hearing on this case, so there will be four (4) members available to review and vote on your case. Typically, we have five (5), so it's your choice to continue with the hearing or we can continue it to next month when there's a full voting board.

LARRY O'SULLIVAN: You have to have three (3) positive votes for your case. There's only four (4) members of the board here tonight. So, next month, you may feel you have a better

46 opportunity or you just go ahead and present and whatever happens, happens, but you don't
47 get a second chance.

48
49 VICKI KEENAN: So, in order for us to approve or for us to grant the variances that you're
50 seeking, three (3) of the four (4) members up here have to approve. Typically, there's five (5)
51 members, five (5) voting members, but we're short one (1) member tonight. So, at this point, it
52 would be your decision if you wanted to continue with the four (4) members or wait until next
53 month when there are five (5). Hopefully.

54
55 RENEE MARTINEZ: [inaudible]. I think I'm gonna go ahead.

56
57 VICKI KEENAN: And continue it? Okay. Alright, then we'll read the case into the record.

58
59 Case Nos. 6/17/2009-1 was read into the record with no previous cases listed.

60
61 LARRY O'SULLIVAN: The second case...I don't know if you wanted to hear that, Madam
62 Chair...

63
64 VICKI KEENAN: Yes, please.

65
66 LARRY O'SULLIVAN: ...at this time also, or not, or if you wanted to hear them separately.

67
68 VICKI KEENAN: I think they're related, let's hear them both.

69
70 LARRY O'SULLIVAN: Okay.

71
72 VICKI KEENAN: You okay with that?

73
74 LARRY O'SULLIVAN: I'll read the second then.

75
76 VICKI KEENAN: Okay.

77
78 Case Nos. 6/17/2009-2 was read into the record with no previous cases listed.

79
80 LARRY O'SULLIVAN: I suspect what the applicant can do, just for information purposes, is
81 separate her application and her appeal for the variance or combine your notes and your
82 discussions, because that's the way we're gonna look at it. It's gonna both fit together.

83
84 RENEE MARTINEZ: Okay.

85
86 RICHARD CANUEL: If I could just remind the Board, you can combine the discussion as they
87 are two (2) cases, same applicant, however, this is a situation where because it's not a permitted
88 use, the variance needs to be granted before you can actually hear the special exception issue,
89 so, I mean, you can still discuss the criteria jointly but you just need to keep in mind that
90 variance needs to come first.

91
92 VICKI KEENAN: Okay. So, we can hear both sides...
93
94 RICHARD CANUEL: Certainly.
95
96 VICKI KEENAN: ...make a vote on the use, then make a vote on the...
97
98 RICHARD CANUEL: Special exception.
99
100 VICKI KEENAN: ...special exception after that. Okay. So, if you could introduce yourself and
101 then go ahead and present your case, that'd be great.
102
103 RENEE MARTINEZ: Okay, my name is Renee Martinez. I live at 512 Mammoth Road. I'm
104 gonna discuss the variance first or...?
105
106 VICKI KEENAN: And could you speak up just a little bit?
107
108 RENEE MARTINEZ: Sorry.
109
110 VICKI KEENAN: That's okay.
111
112 RENEE MARTINEZ: I'm asking for a variance because I was applying for a home business in a
113 commercial-II zone and I found out that since it is commercial-II, home businesses aren't
114 allowed there. I was asking for a home business in one (1) room in the house. Actually, I'm
115 sorry. Do you want me to go through the whole application, is that how you want me to do it
116 or...?
117
118 LARRY O'SULLIVAN: Why don't you tell us what you're trying to do...
119
120 VICKI KEENAN: Yeah...
121
122 LARRY O'SULLIVAN: ...and then you can go through the application.
123
124 VICKI KEENAN: Yeah.
125
126 RENEE MARTINEZ: Okay. I'm asking to put a chair in a room, a thirteen (13) by almost
127 fourteen (14) room, to run maybe the hours from ten (10:00) to five (5:00) or six (6:00) and that's
128 pretty much it, just for salon use.
129
130 LARRY O'SULLIVAN: How many days a week?
131
132 RENEE MARTINEZ: Probably five (5) but I would like to do it on a weekend day. I'm not sure
133 which weekend day but I wouldn't want to do more than five (5).
134

135 LARRY O'SULLIVAN: Okay, so you want to do Saturday and Sunday or Saturday or Sunday
136 and four (4) other days?
137
138 RENEE MARTINEZ: Yeah...I know I would like to do a Monday and...would I have to choose
139 now which weekend day? Okay. So, five (5) days, including one (1) or both weekend days but
140 Sundays, if I were to do a Sunday, it would be earlier hours. I have a nine (9) year old son, so,
141 Sundays are a big day.
142
143 LARRY O'SULLIVAN: Okay, so what would the hours be on Sunday?
144
145 RENEE MARTINEZ: I probably wouldn't go past three (3:00).
146
147 LARRY O'SULLIVAN: So, it would be ten (10:00) to three (3:00)?
148
149 RENEE MARTINEZ: Probably nine (9:00) or ten (10:00) to three (3:00).
150
151 MICHAEL GALLAGHER: I'm sorry, what did you say the hours were...ten (10:00) to...?
152
153 RENEE MARTINEZ: During the week?
154
155 MICHAEL GALLAGHER: Yeah.
156
157 RENEE MARTINEZ: I'm figuring about ten (10:00) to five (5:00) or six (6:00). I drop my son off
158 at nine (9:00), so I would need a little bit of time to get ready and eat and open.
159
160 VICKI KEENAN: Where in the home is the room located that you'll be using?
161
162 RENEE MARTINEZ: I have a diagram here. Would you like to see it or do you have one or...?
163
164 RICHARD CANUEL: You should have that information in the file. There was a plan
165 showing...
166
167 VICKI KEENAN: I'm looking right now.
168
169 RENEE MARTINEZ: I also have a print out if...
170
171 VICKI KEENAN: I don't have it...
172
173 JAYE TROTTIER: It's in the special exception.
174
175 VICKI KEENAN: Okay, I'm looking at the wrong one. Sorry.
176
177 LARRY O'SULLIVAN: Oh, it's on the computer. Of course.
178

179 RENEE MARTINEZ: I believe I just said it's a thirteen (13) by fourteen (14) room. I put
180 fourteen (14) by fourteen (14) because there is a one (1) foot closet space.
181
182 LARRY O'SULLIVAN: You have a little corner of the first floor that you have marked off. Is
183 there currently a wall there or will there be a wall there?
184
185 RENEE MARTINEZ: There's gonna be no construction done. Only adding an entranceway and
186 a landing and two (2) steps. I think I wrote three (3) steps but I think we only need two (2)
187 steps.
188
189 MATT NEUMAN: So there isn't currently an entrance into that?
190
191 RENEE MARTINEZ: Into that room? No.
192
193 LARRY O'SULLIVAN: Is this a second entrance or a third entrance to the building?
194
195 RENEE MARTINEZ: Third entrance.
196
197 VICKI KEENAN: Is this room built out the way it is today? Fourteen (14) by fourteen (14)?
198
199 RENEE MARTINEZ: I'm sorry?
200
201 VICKI KEENAN: Is this room built out today? Is it actually constructed, this room?
202
203 RENEE MARTINEZ: Yes, all I have to do is paint.
204
205 VICKI KEENAN: Okay.
206
207 LARRY O'SULLIVAN: What will you use to demarcate the inside walls?
208
209 RENEE MARTINEZ: From the exist...?
210
211 LARRY O'SULLIVAN: That's to separate, yeah, to separate?
212
213 RENEE MARTINEZ: There are two (2) doors.
214
215 LARRY O'SULLIVAN: So there will be walls inside the house in that...all four (4) walls around
216 that?
217
218 RENEE MARTINEZ: Oh, yes. Yeah.
219
220 LARRY O'SULLIVAN: That fourteen (14) by fourteen (14) area?
221
222 RENEE MARTINEZ: Yes. Actually, there's one (1) door already. The other is just a doorway
223 that I have to put a door in.

224
225 LARRY O'SULLIVAN: They're not shown on the drawing that I have.
226
227 RENEE MARTINEZ: Can I mark them now or...?
228
229 LARRY O'SULLIVAN: Sure.
230
231 RENEE MARTINEZ: Okay.
232
233 VICKI KEENAN: Great. It would be helpful if you could start with your use variance
234 application and walk through the five (5) points of law and you answered each of the questions.
235
236 RENEE MARTINEZ: Starting at number four (4), right?
237
238 VICKI KEENAN: Yes, please.
239
240 RENEE MARTINEZ: Okay. A variance is requested from Section 2.2 of the zoning ordinance to
241 permit operation of a special exception for a home occupation on a C-II zoned lot. The
242 proposed use would not diminish surrounding property values because there will be no
243 changes to property, apart from the landing and two (2) steps that might be noticeable from any
244 abutters. Granting the variance would not be contrary to the public interest because it would
245 allow an acceptable use of a property in the commercial-II zoned area and not alter the essential
246 character of the neighborhood or have any adverse effects of surrounding properties. The
247 zoning restriction as applied to the property interferes with the landowner's reasonable use of
248 the property considering the unique setting of the property in its environment such that it
249 prohibits me from having an occupation in my home. My intention is to keep the property as
250 residential but with a home occupation, not to develop it into a commercial use. No fair
251 and...do you want to stop and...I don't...
252
253 VICKI KEENAN: Nope...
254
255 RENEE MARTINEZ: Oh, just keep...?
256
257 VICKI KEENAN: No, you're doing great.
258
259 RENEE MARTINEZ: I didn't know if you wanted me to...
260
261 VICKI KEENAN: Yup, no.
262
263 RENEE MARTINEZ: No fair and substantial relationship exists between the general purposes
264 of the zoning ordinance and the specific restriction on the property because the property is now
265 and has been residential in a commercial-II zone. Adding a home business such as a salon
266 would only add to the integrity of the commercial-II zone. The variance would not injure the
267 public or private rights of others since there will be changes to the property that will impact
268 surrounding properties. Granting the variance would do substantial justice because it would

269 allow the owner to use the property to its full advantage as a residence and a home occupation.
270 The use is not contrary to the spirit of the ordinance because the spirit of this ordinance is to
271 keep commercial businesses in designated commercial zones. My property is residential in a
272 commercial-II zone. I'm asking to continue use of the property as my residence but also use it
273 for the operation of a salon which is a permitted use in a commercial-II area.

274
275 VICKI KEENAN: Thank you. That's helpful.

276
277 MICHAEL GALLAGHER: Is there plenty of parking? How's the parking situation?

278
279 RENEE MARTINEZ: Yes, I actually have parking for six (6) cars in the back. There's an aerial
280 view picture here.

281
282 MICHAEL GALLAGHER: Yes, okay, I see there's a car there.

283
284 RENEE MARTINEZ: There were five (5) lines, you can actually see it a little bit still.

285
286 VICKI KEENAN: How many customers per week would you estimate on average that you'll
287 have?

288
289 RENEE MARTINEZ: That was a question I was afraid of. I don't have any clientele. I've been
290 here four and a half (4.5) years. My clientele's in Salem and most of them probably won't travel.
291 It's a twenty (20) minute ride. So, that's a really hard question. Starting up, I don't know.

292
293 MATT NEUMAN: So, what is your main goal in working out of your home then, as opposed to
294 renting a booth or whatever at another salon where you wouldn't have to go through all this
295 and...?

296
297 RENEE MARTINEZ: Yeah...I actually bought the place, hoping to do this. I'm a single parent.
298 I have a son and I've been trying since I've gotten here to kind of build up the place to do
299 something, a salon. I really, the way things are now, especially, I don't see me being able to rent
300 out a place. I work, right now...not renting a booth, it's kind of scary to me, depending on
301 something like that and renting from somebody. I can't take that chance, not with the mortgage
302 and...

303
304 MATT NEUMAN: So you work in a salon now?

305
306 RENEE MARTINEZ: I do. We get hourly plus tips, so at least I know I have something that we
307 don't rent.

308
309 VICKI KEENAN: Where will you be storing the materials for the business?

310
311 RENEE MARTINEZ: I have a closet there. I'm thinking either I'm gonna use it for a little bench
312 there or I have a cabinet that I made and, like, two (2) other wall cabinets, so, probably up-over-
313 a-shampoo-bowl-cabinets.

314
315 VICKI KEENAN: Okay.
316
317 MATT NEUMAN: Do you have a septic system or are you on city sewer?
318
319 RENEE MARTINEZ: City.
320
321 MATT NEUMAN: City? And with the salon, you deal with a lot of different chemicals for hair?
322 I mean, I'm not speaking from experience because I'm bald but with the different colorings,
323 things like that...?
324
325 RENEE MARTINEZ: I'm more interested in the cuts than the colors and highlighting and
326 chemicals. I don't do perms. I can't do the...it's too strong. But I, myself, don't want to put the
327 chemicals, as much as I can, in the house. The ones that I do use are demi-permanent, which is
328 not ammonia, hardly any ammonia, I should say. So, I'm not big on the chemicals myself, so
329 I'm pretty...
330
331 MATT NEUMAN: Now, Richard, is that something that the Town needs to be concerned about
332 as far as...I mean, because it's going down the drain...
333
334 RICHARD CANUEL: Yeah, that is something that we would handle administratively, with our
335 sewer department, to see if there's a sewer discharge permit requirement for that or if there is
336 an additional surcharge because of the chemicals being introduced into the system. I don't
337 think that there will be, simply because of the limited use there, so I don't think it would be a
338 big issue but that's something that would work out between our office and the sewer
339 department anyway.
340
341 MICHAEL GALLAGHER: Looking at this aerial here, I'm assuming the main entrance to your
342 home is on Mammoth. Is that correct?
343
344 RENEE MARTINEZ: Yeah, but the driveway that they would be using to enter would be on
345 Sanborn.
346
347 MICHAEL GALLAGHER: Okay, so that...
348
349 RENEE MARTINEZ: If you look at Mammoth Road, on this, you can see the light spot where
350 the driveway enters in on the right side of the house. They would be entering in there, going in
351 the back exit and out on Mammoth Road.
352
353 MICHAEL GALLAGHER: And the entrance for where the chair is gonna be is...?
354
355 RENEE MARTINEZ: If you...
356
357 MICHAEL GALLAGHER: Is it in the back there, where the cars are or...?

358
359 RENEE MARTINEZ: No, it's on the Sanborn side.
360
361 MICHAEL GALLAGHER: Okay, that little drive right where the driveway is, kind of?
362
363 RENEE MARTINEZ: It's about ten (10) feet from the driveway.
364
365 MATT NEUMAN: [inaudible]
366
367 MICHAEL GALLAGHER: [inaudible]
368
369 RENEE MARTINEZ: Yeah, maybe...eleven (11)...
370
371 VICKI KEENAN: Will you be having any deliveries? Or occasionally...?
372
373 RENEE MARTINEZ: I don't think so.
374
375 VICKI KEENAN: Okay.
376
377 RENEE MARTINEZ: It's stuff that I'd be picking up C.B. Sullivan's, if I were to do colors and
378 stuff.
379
380 VICKI KEENAN: Okay.
381
382 LARRY O'SULLIVAN: How about any other employees?
383
384 RENEE MARTINEZ: No. I don't...it's a small room. I don't think two (2) of us would even...
385
386 LARRY O'SULLIVAN: You plan on one (1) chair in that room.
387
388 RENEE MARTINEZ: Yeah. And a bench.
389
390 MATT NEUMAN: Like a waiting area thing.
391
392 RENEE MARTINEZ: Yeah, I'm thinking of inside that closet, putting a bench and picture.
393
394 MATT NEUMAN: In the closet?
395
396 RENEE MARTINEZ: It's an open closet. There are no doors, it's just a kind of indent in the
397 wall.
398
399 MATT NEUMAN: Any sort of sign?
400
401 RENEE MARTINEZ: For the outside? I'd like to. I was looking at the stipulations and it looks
402 like a one (1) by three (3) or three (3) square feet.

403

404 VICKI KEENAN: Mm-hmm.

405

406 RENEE MARTINEZ: So, if I could, I'd like to...I was thinking about maybe putting it
407 somewhere on the landing or I was told, I know it would have to be at least fifteen (15) feet from
408 the property line. I think it may be right on the landing. You can kind of see the landing from,
409 if you're coming down Mammoth Road, on your right, so it would probably be a good spot.

410

411 VICKI KEENAN: Any further questions from the Board? Matt? Larry?

412

413 LARRY O'SULLIVAN: No.

414

415 VICKI KEENAN: No? Okay. Why don't we open it up for the public hearing. Is there anyone
416 in the audience that is opposed or has questions related to this case? Is there anyone who has
417 other comments related to the case, in favor of? Okay, we will close the public portion of the
418 hearing and we'll bring it back to the Board for deliberation and discussion.

419

420 DELIBERATIONS:

421

422 MATT NEUMAN: Are we deliberating both or just the rezoning of the...? Or how are we
423 going to...?

424

425 VICKI KEENAN: I think we should start with the use first.

426

427 LARRY O'SULLIVAN: We have to do the variance part...

428

429 VICKI KEENAN: Yeah...

430

431 LARRY O'SULLIVAN: ...and then the special exception will follow, so...

432

433 VICKI KEENAN: ...and talk through that and then vote and then deliberate on the...

434

435 LARRY O'SULLIVAN: So, in order to meet the variance criteria, I think I might have missed
436 something on the hardship area. Injuring the private and public rights of others. I'm hoping
437 somebody else caught that because she went kinda fast for me.

438

439 RENEE MARTINEZ: I'm sorry.

440

441 MICHAEL GALLAGHER: What was your concern? I'm sorry, Larry. What...?

442

443 LARRY O'SULLIVAN: In the use variance...

444

445 MICHAEL GALLAGHER: Yup.

446

447 VICKI KEENAN: Mm-hmm...

448
449 LARRY O'SULLIVAN: ... "injure the public or private rights of others," I didn't know what her
450 response was to that. Does anybody have notes on it? I have notes on one (1) and (2) and (D) if
451 anybody wants those.
452
453 JAYE TROTTIER: She just read...
454
455 VICKI KEENAN: Read right from the application.
456
457 LARRY O'SULLIVAN: It's on the app? Good, thanks.
458
459 VICKI KEENAN: Yup. It's "there will be no changes to the property that will impact
460 surrounding properties."
461
462 LARRY O'SULLIVAN: Alright. If there's gonna be a new entrance, that's changed the
463 property. However, it's not necessarily a change for the business, so, it can be...the business can
464 be gone and that entrance still would be useful, so, I suspect that would be the only issue.
465
466 VICKI KEENAN: Do you want to walk through the five (5) points of law and talk about each
467 one? Okay, why don't we start with (A), diminish surrounding property values. For me, this
468 was a pass.
469
470 LARRY O'SULLIVAN: Since there's no changes other than the two (2) steps to the new
471 entrance, I didn't think that would be an issue.
472
473 VICKI KEENAN: Okay. How about granting the variance would not be contrary to the public
474 interest?
475
476 LARRY O'SULLIVAN: This is, I think, the issue is it's a commercial zone and we're, in effect,
477 giving the opportunity to have a commercial type business in a residence in a commercial zone.
478 One of the reasons why we have zoning is to separate uses.
479
480 VICKI KEENAN: Mm-hmm.
481
482 LARRY O'SULLIVAN: So, that's something that kind of just gets me right here.
483
484 VICKI KEENAN: Yeah, I struggle with this one. Mm-hmm.
485
486 LARRY O'SULLIVAN: And on the other side, you do have commercial business.
487
488 MICHAEL GALLAGHER: Yeah, in that area right there, there's kind of a few things going on
489 there.
490
491 LARRY O'SULLIVAN: Right. And the value to making this particular issue to the Town, I
492 think if a property is residential and it's in a commercial zone, as opposed to that turning into a

493 used car lot or something that is permissible in a C-II, there's a tax advantage to the Town to
494 having it done that way. So, this is certainly not the best usage of the land, however, what it is
495 is what it is.

496
497 MICHAEL GALLAGHER: Right.

498
499 LARRY O'SULLIVAN: So, we have a home there and somebody's living in a home, so that, I
500 think, would be just about the only way that would be acceptable in this instance. That's the
501 way it flies with me.

502
503 VICKI KEENAN: Just this site, just seems sort of sandwiched in between...

504
505 LARRY O'SULLIVAN: Right. We have that all over town.

506
507 VICKI KEENAN: ...a lot of commercial, there are no other residential sort of homes that are
508 sort of in, that it appears to me, in that same predicament. Does anybody else agree with that?

509
510 MATT NEUMAN: Absolutely.

511
512 VICKI KEENAN: So, for use variance item number one (1), interferes with the landowner's
513 reasonable use of the property, I felt that was a pass for me.

514
515 LARRY O'SULLIVAN: It's still a home, you mean.

516
517 VICKI KEENAN: Yeah.

518
519 LARRY O'SULLIVAN: Yes, it still remains a home.

520
521 VICKI KEENAN: Yup. How about no fair and substantial relationship exists between the
522 general purposes of the zoning ordinance and the specific restriction?

523
524 LARRY O'SULLIVAN: We have a C-II zone and a residence and it's been there for as long as
525 I've been here, twenty five (25) years anyway and I think that our zoning ordinances have
526 grown around it.

527
528 VICKI KEENAN: Mm-hmm. I agree with you.

529
530 LARRY O'SULLIVAN: So, I think we may be in one of those circumstances where if the
531 applicant had wanted to tear the thing down and turn it into a Mobile station or something
532 along those lines, there wouldn't be an issue. So, I think we're doing okay, I think, with this
533 one.

534
535 VICKI KEENAN: Yup, I agree with you. Okay, why don't we move on to three (3), the
536 variance would not injure the public or private rights of others. Again, this was a pass for me.

537

538 MATT NEUMAN: Yeah, I mean, this really is not gonna impact the area. It's commercial.
539
540 MICHAEL GALLAGHER: And it appears there'd be plenty of parking there.
541
542 VICKI KEENAN: Mm-hmm.
543
544 LARRY O'SULLIVAN: Yeah, the parking has already been there, so...
545
546 MATT NEUMAN: Yeah.
547
548 LARRY O'SULLIVAN: I don't see an issue.
549
550 VICKI KEENAN: Alright. Granting the variance would do substantial justice.
551
552 LARRY O'SULLIVAN: Well, that will take full advantage of the land that she's got there.
553
554 VICKI KEENAN: Yup, I agree. And (E), not contrary to the spirit of the ordinance.
555
556 LARRY O'SULLIVAN: I think we're in the same boat.
557
558 VICKI KEENAN: Yup. Okay. Good. Any further discussion? Would anyone like to make a
559 motion?
560
561 LARRY O'SULLIVAN: Well, I think if we do make a motion, I think all the motions that we
562 make from now on, we should put that restriction on the time frame. Richard? One of the
563 things that...
564
565 RICHARD CANUEL: That would be appreciated from my aspect.
566
567 LARRY O'SULLIVAN: Right, that since we need to monitor that kind of thing, since we don't
568 want to see people again and again or have them go to the expense or the pain to do it, and
569 frankly, I would rather not hear the same case three (3) times in three (3) years and grant the
570 same restrictions and what have you. So, I'd like to place a restriction on it while we grant it or,
571 you know, if we disapprove it, obviously, we don't have to, but my motion would be to
572 approve the variance for case 6/12/2009-1 [sic], as the applicant has met all the proposed
573 conditions that we require for a use variance and that the hours of business in this thirteen (13)
574 or fourteen (14) by fourteen (14) foot room will be ten (10:00) to six (6:00), seven (7) days a week
575 as presented with the restriction or the...I don't know what we're gonna call it but the
576 requirement that the substantial improvements be made to the building to ensure that the
577 business begins within the next twelve (12) months. So, applicable licenses and inspections and
578 so forth can happen within the next twelve (12) months.
579
580 VICKI KEENAN: Is there a second to the motion?
581
582 MICHAEL GALLAGHER: I'll second that.

583
584 VICKI KEENAN: Discussion related to the motion? What about the sign...we'll do that on the
585 special exception, the signage.
586
587 LARRY O'SULLIVAN: Right.
588
589 MATT NEUMAN: Yeah.
590
591 VICKI KEENAN: Okay. Alright, there is a motion to grant the use variance for case number
592 6/17/2009-1 with restrictions: Monday through Sunday, operating hours ten (10:00) AM until
593 six (6:00) PM and that the business sort of commence or open for business within the next
594 twelve months of granting the variance.
595
596 RENEE MARTINEZ: Thank you.
597
598 VICKI KEENAN: Okay? And there's a second. All those in favor, signify by saying 'aye.'
599
600 LARRY O'SULLIVAN: Aye.
601
602 MICHAEL GALLAGHER: Aye.
603
604 MATT NEUMAN: Aye.
605
606 VICKI KEENAN: Aye. Opposed? Abstentions? Okay.
607
608 RESULT: CASE 6/17/2009-1: THE MOTION TO GRANT THE USE VARIANCE WITH
609 RESTRICTIONS WAS APPROVED, 4-0-0.
610
611 VICKI KEENAN: Okay, now we will, as a Board, deliberate on your second case for the special
612 exception.
613
614 RENEE MARTINEZ: Okay.
615
616 VICKI KEENAN: Okay? Now, on this, I think we should include the same restrictions, the
617 hours, a signage restriction, as well. Anything else?
618
619 RICHARD CANUEL: You're gonna make pretty much the same motion as you did for the
620 variance.
621
622 VICKI KEENAN: It's the same thing, yup, I agree. Any other comments on the motion or
623 restrictions necessary?
624
625 LARRY O'SULLIVAN: The single sign, despite the fact that it's on a two (2) fronted lot, two
626 streets front the lot, a single sign. That's an absolute.

627
628 MICHAEL GALLAGHER: One (1) sign, is that what you're saying?
629
630 MATT NEUMAN: And Richard, your office will take care of the...as far as the sewer goes
631 and...
632
633 RICHARD CANUEL: Yes. I'll take care of the sewer department with that. Like I said, I don't
634 think there's gonna be an issue with a discharge permit or an additional fee because of that,
635 so...
636
637 LARRY O'SULLIVAN: Well, there's also State licensing, right?
638
639 RICHARD CANUEL: Yes. That's an issue, too.
640
641 LARRY O'SULLIVAN: Is there a State inspection as well?
642
643 RICHARD CANUEL: No, believe it or not. Not for a home occupation like this.
644
645 VICKI KEENAN: Is there a motion?
646
647 LARRY O'SULLIVAN: I make a motion for the special exception, case 6/17/2009-2, to grant it
648 as presented with the restriction as was in the variance as to hours, days of the week.
649
650 VICKI KEENAN: And do you want to the signage?
651
652 MICHAEL GALLAGHER: And the one (1) sign? No?
653
654 LARRY O'SULLIVAN: No, that's three (3) square feet. One (1) sign.
655
656 MICHAEL GALLAGHER: Yeah.
657
658 VICKI KEENAN: Is there a second to the motion?
659
660 MATT NEUMAN: Second.
661
662 VICKI KEENAN: Okay, there's a motion to grant special exception for case 6/17/2009-2 with
663 the same restrictions as case number 6/17/2009-1 and a second. Any discussion on the motion?
664 Okay, all those in favor, signify by saying 'aye.'
665
666 MICHAEL GALLAGHER: Aye.
667
668 MATT NEUMAN: Aye.
669
670 LARRY O'SULLIVAN: Aye.

671
672 VICKI KEENAN: Aye. Opposed? Abstentions?

673
674 [no response in opposition or to abstain]

675
676 RESULT: CASE 6/17/2009-2: THE MOTION TO GRANT THE SPECIAL EXCEPTION
677 WITH RESTRICTIONS WAS APPROVED, 4-0-0.

678
679
680 RESPECTFULLY SUBMITTED,

681
682
683
684 LARRY O'SULLIVAN, CLERK
685 TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

686
687 **APPROVED JULY 15, 2009** WITH A MOTION MADE BY LARRY O'SULLIVAN, SECONDED
688 BY JIM SMITH AND APPROVED 4-0-1 WITH YVES STEGER ABSTAINING AS HE DID NOT
689 ATTEND JUNE 17, 2009 THE MEETING.