

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

DATE: MARCH 18, 2009

CASE NO.: 3/18/2009-1

APPLICANT: PAUL BECOTTE-HAIGH
11 WILEY HILL ROAD
LONDONDERRY, NH 03053

LOCATION: 11 WILEY HILL ROAD, 5-51-1, AR-I

BOARD MEMBERS PRESENT: VICKI KEENAN, CHAIR
YVES STEGER, VOTING MEMBER
NEIL DUNN, VOTING MEMBER
BARBARA DILORENZO, VOTING MEMBER
JIM SMITH, NON-VOTING ALTERNATE
MICHAEL GALLAGHER, NON-VOTING ALTERNATE
MATTHEW NEUMAN, NON-VOTING ALTERNATE
LARRY O'SULLIVAN, CLERK

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

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

PRESENTATION: Case No. 3/18/2009-1 was read into the record with one previous case
listed.

Clerk Larry O'Sullivan reads Exhibits "A" and "B" into the record, one letter in favor of the request
and one in opposition.

VICKI KEENAN: Come on up.

PAUL BECOTTE-HAIGH: Should I just present what I'm doing?

VICKI KEENAN: Mm-hmm.

LARRY O'SULLIVAN: And introduce yourself.

PAUL BECOTTE-HAIGH: My name's Paul Haigh, H-A-I-G-H. The nature of the business I'm requesting an exception for is pottery. I will start out by saying I'm the cliché guy that was recently laid off and would like to make his hobby into a career, or at least make some money on the side and, so as such, the nature of what I'm doing will not change. I'll basically be performing the same things I was when it was a hobby. I will not have customers, so it would not draw traffic. Pottery doesn't really involve a lot of noise, so for the concerns of the person, I would understand if that was the case. So I will go through the special exception application quickly to address the points that it asks. The days of operation, probably immaterial since I won't be having customers come to my house. I'll be doing this all via internet or via shops that it would be in externally to the house. I will not be requesting a sign. The percentage of living space is under ten (10) percent of my actual living space. I included the drawing of my driveway and parking area which is actually a fair bit, it would be nice if I had customers there but I do not plan to have customers at the site. It will only be carried on by myself within a dwelling and/or garage, that's correct. It will be incidental and secondary to the use of the property as a dwelling. It will not change its residential character. Again, I'm not going to be doing anything that I wasn't doing when it was essentially just a hobby. There will be no exterior renovations, construction or outside storage of materials, that's correct as well. Only members of my immediate family will be employed, in fact, it'll be just myself and I won't be requesting any additional employees. I understand you can consider whether it will adversely affect property of all the neighboring properties. As you see from my neighbor to my east, Mr. Gillespie, who said that he discussed it with me, we've talked about this a fair bit at length, he knows exactly what I do. He's probably the person with the best visibility to my house and yard and he has no objection. It is not a child care concern, it's not a child care type business, obviously, so fourteen (14) and fifteen (15) do not apply. And the last one is basically for future use, I believe. So, again, really, what it comes down to is I make pottery, I'm gonna continue to make pottery whether it's a business or not, the nature of this doesn't really change. I'm not going to have deliveries of things or I'm not going to have traffic, this won't generate anything of the sort.

VICKI KEENAN: Okay. Now we'll open it up to the Board for questions.

BARBARA DILORENZO: Miss Chairman?

VICKI KEENAN: Mm-hmm.

BARBARA DILORENZO: Hi. My mind's gone blank. Totally gone blank. I'll get it in a minute. Maybe somebody else will want to ask something.

VICKI KEENAN: Go ahead, Neil.

NEIL DUNN: In your application, you state on the first page, item four (4), you give a description that the business is pottery, that it be made in the basement room that's unfinished.

PAUL BECOTTE-HAIGH: Correct.

NEIL DUNN: But then in your diagram and when you're figuring your square footage to try to stay under the twenty five (25) percent, you have an office area upstairs that you highlighted...?

PAUL BECOTTE-HAIGH: Correct, that's just because some of it will take place on the internet, I put my office in there, store some files and that sort of thing. Any business records. So that is what is counted in the eight point one (8.1) percent. The basement, since it's unfinished, I was told, and I called the office just to make sure that it wouldn't have to be counted or drawn up.

NEIL DUNN: Correct, and I'm just getting verification 'cause...

PAUL BECOTTE-HAIGH: Sure.

NEIL DUNN: So you're really not using that office solely for the business but...

PAUL BECOTTE-HAIGH: No, I go up there and hopefully an order comes in...exactly. And again, since there won't be any customers there, it's not a customer space or anything like that.

VICKI KEENAN: Go ahead.

BARBARA DILORENZO: How long have you been doing this?

PAUL BECOTTE-HAIGH: I started in high school. I did some competition stuff in high school. I did it on and off since then. And I picked it up pretty heavily in the past three (3) or four (4) years.

BARBARA DILORENZO: At this home you've been doing that?

PAUL BECOTTE-HAIGH: Yes, at this home.

BARBARA DILORENZO: Okay. And on your application, you had said your days of operations would be Monday through Saturday, but then I thought you said something, that that's...

PAUL BECOTTE-HAIGH: I had to put some days down but again, since I won't be having...I understand that the concern generally for the days of operation is when will there be extra traffic, extra customers coming in, when can we expect that there will be late night visitors interrupting dinner or later. The fact that I'm not having, you know, I'm gonna try and maintain eight (8:00) to five (5:00) hours myself but I'm just gonna be sitting there at a potter's wheel, more or less, making pottery from eight (8:00) to five (5:00). That really doesn't affect the traffic in the neighborhood or anything.

BARBARA DILORENZO: Now, the supplies that you have, do they come by Federal Express or do you go somewhere and pick those up or how does that work?

PAUL BECOTTE-HAIGH: There are some that I pick up and there are some that I have delivered. But usually it's only a couple...the stuff that I have delivered, once or twice a year maybe.

BARBARA DILORENZO: Mm-hmm.

PAUL BECOTTE-HAIGH: I get one (1) shipment of clay and that's it and they pull up in my driveway and drop it off and they're gone and that's it. And that would not change. If I start to use more, it would be one (1) delivery of more clay. But that wouldn't change, whether it was an occupation or a hobby.

BARBARA DILORENZO: And you also said that the sales are done online or off-site, so do you have Federal Express come pick up the products that you've sold to somebody or do you go to the post office yourself or how does that work?

PAUL BECOTTE-HAIGH: I'll probably be running to the post office, you know, try to make it a once a week thing, if that. I have a couple of friends who own antique and craft shops. I would hope to be able to make that connection and use those so I wouldn't actually be having deliveries directly to customers normally. Possibly doing a craft fair type thing once in a great while, just to get some exposure and to meet people but, essentially, probably be driving them mostly going directly to the post office.

LARRY O'SULLIVAN: Sounds like a good idea. How about storage of materials? One of our concerns isn't just the traffic, it's also how...

PAUL BECOTTE-HAIGH: Yeah, I mean, I have clay I keep downstairs. It's pretty dense stuff so you can keep a lot of it in a small space. Any materials for glaze I keep in the basement as well.

LARRY O'SULLIVAN: Nothing outside.

PAUL BECOTTE-HAIGH: Nothing outside.

LARRY O'SULLIVAN: Thank you.

YVES STEGER: What is the size of your kiln?

PAUL BECOTTE-HAIGH: Cubic feet?

YVES STEGER: Yeah...

PAUL BECOTTE-HAIGH: The interior volume is about forty (40) cubic feet.

YVES STEGER: That's a big...

PAUL BECOTTE-HAIGH: It's a good size kiln, yeah.

YVES STEGER: Now, when you fire the kiln and you create pottery, how many pieces are there typically?

PAUL BECOTTE-HAIGH: Usually there's at least a couple hundred. I mean, it depends on the size of them. I've been making large bowls lately. So there's fewer large bowls than there are than if I

was making a lot of mugs. So there's a fair amount at once. But, again, I only fire that once every...I fire three (3) or four (4) times a year, that's it.

YVES STEGER: Oh, okay.

PAUL BECOTTE-HAIGH: So I save up, I like to have, a concerted effort and all at once, sort of.

YVES STEGER: How is your kiln fired? Electric or gas?

PAUL BECOTTE-HAIGH: It's a wood fired kiln. It's a wood fired kiln.

YVES STEGER: Wood? Wow.

PAUL BECOTTE-HAIGH: Yup.

YVES STEGER: How much wood do you use for one (1) firing?

PAUL BECOTTE-HAIGH: Almost a cord per fire, about a cord per fire. It's a good way to actually, speaking of storage of outside materials, it's a good way to get rid of a brush pile since I also heat my house with wood. I can get rid of my brush piles that way and it's much safer and more effective to put it to good use like that, actually. My neighbor across the street, I've volunteered to take his storm damaged trees and brush as well to dispose of it, so, hopefully helping the neighborhood a little bit in that respect.

YVES STEGER: Thank you.

VICKI KEENAN: How long is the kiln fired up for at any given time?

PAUL BECOTTE-HAIGH: It's almost a day. Usually most of it is at very low fire. It really generates very little smoke. I have a neighbor with a wood stove that generates more smoke than this probably. If somebody was burning brush, it would generate a lot more smoke, believe me. So, up to a day, usually a little shorter and most of that is, again, a very low fire, I try to keep it under two hundred (200) degrees for most of that so nothing explodes.

YVES STEGER: Less than two hundred (200) degrees.

PAUL BECOTTE-HAIGH: Yeah, just to boil out so there's no water in the pottery. You can talk about pottery all night, by the way, so...

YVES STEGER: Okay.

VICKI KEENAN: Okay. Any more questions? Okay. Why don't we open it up to the public. Those who are in favor of this application, if you could come up and state your name and address for the record? Okay, is there anyone opposed to this application? Okay, please come on up to the microphone.

DEBORAH DINICOLA: I wanna preface this by saying I'm a big fan of the arts and I think it's wonderful, what you're doing.

VICKI KEENAN: Can you state your name and address for the record?

DEBORAH DINICOLA: My name is Deborah DiNicola and I live at 6 Quentin Drive, which is directly behind Paul's house. My concern is not a concern of having a business in the home, parking, signs, people moving around. My concern is fire safety. And I say this because I have four (4) children and I didn't want to do this, Paul, but I have to be honest with you, I think that there should be...or we should possibly look at knowing exactly when that kiln will be fired up because at three (3) in the morning during the power outage, the kiln was burning and we thought his house was on fire. And my husband and I, and my voice is shaking, ran through the woods because we honestly thought someone was gonna be hurt. When we got to the other side, we saw the kiln burning and it's got some large flames coming out of it. I'm not against what he wants to do but I think we, as a neighborhood, should take a look at the times that the kiln is being fired up, maybe, you know, let people around know that you're doing it. And, other than that, I'm not opposed. So is it an opposition? I guess. You know, it's more of a concern and I'm not opposed as long as we put some...wrap some times or some kind of rules around when the kiln is being used because in my opinion, it's close to the woods and it could be a fire hazard. You know, there are woods behind us that separate our properties. Actually, I think it's your property.

PAUL BECOTTE-HAIGH: Yes.

DEBORAH DINICOLA: And I have concern about that. That's all I have. You know, the signage, the pottery, everything else, that's great. It's just the fire.

VICKI KEENAN: Okay.

DEBORAH DINICOLA: So that's all that we have to say.

VICKI KEENAN: Okay.

LARRY O'SULLIVAN: Now, is the kiln inside or outside?

PAUL BECOTTE-HAIGH: It's outside.

DEBORAH DINICOLA: It's outside.

PAUL BECOTTE-HAIGH: It's in a shed. It...can I discuss this now, I guess?

VICKI KEENAN: Yeah, you can...

PAUL BECOTTE-HAIGH: Yeah, no, I...

VICKI KEENAN: Thank you.

PAUL BECOTTE-HAIGH: That incident was after the power outage, somebody came outside, I believe, to stop their generator...

[inaudible comments from the audience].

PAUL BECOTTE-HAIGH: I actually was trying to find your name because I wanted to send you a pot to say thank you because he was very apologetic that he had called the Fire Department and I said, 'no, you're looking out for us, I appreciate it.' Essentially, this is a hard brick kiln with fifteen (15) foot chimneys so the flames are set up fifteen (15) feet. They are visible at night. If you were to come out at three (3) in the morning and see that, I can see why he might have been alarmed and I have no opposition to letting people know when it's going to be fired and what we plan on doing. I have no opposition to that. We have never had any...I've fired many kilns and have never really seen any fire concern. I have a metal roof kiln. I had this...a metal roof over the kiln, I've had that inspected. I've actually asked the Fire Department to come inspect the kiln and they said they do not regulate solid fuel burning appliances. I tried to make sure on that because I wanted this all to be legit, basically. My next door neighbor who signed a letter saying he was not opposed and asked to grant the special exception is a fireman with the Town. He said he'd be here tonight but he actually has a shift. So, he's been there to see the firings but I can understand the concern and this is the first time they saw this, they did because the generator went out and it was kind of a freak thing. I can understand their concern and I have no opposition to letting them know exactly what I'm gonna be doing, when I'm doing it.

VICKI KEENAN: Go ahead.

NEIL DUNN: Is this a kiln you made yourself or is this commercially...?

PAUL BECOTTE-HAIGH: Yes.

NEIL DUNN: Oh, you built it yourself?

PAUL BECOTTE-HAIGH: I designed and built it myself.

NEIL DUNN: And there was no inspection requirement from the Town that...?

PAUL BECOTTE-HAIGH: No inspection. I tried on a couple of occasions to have somebody come. I called and asked them and got a confirm that...their exact terminology, "we do not regulate solid fuel burning appliances." So, they asked if I was to have gas or oil fired or something like that, then it would be a real concern because they would be afraid of a serious fire hazard, explosive hazard, something like that, but I don't use that.

LARRY O'SULLIVAN: May I ask...?

VICKI KEENAN: Come on up and...Oh, go ahead, Larry.

LARRY O'SULLIVAN: Can I ask Richard, if you've had the opportunity to see it, Richard?

RICHARD CANUEL: Yeah, as a matter of fact, in 2007, November of 2007, we issued a building permit for structure. The structure is a twelve (12) by sixteen (16), sort of pavilion looking, open sided, which contains the kiln. You know, I did look at the kiln myself, to make sure all the clearances were adequate. Because it's an outdoor, self built, it's no different than you building a block barbecue out in your backyard. It's not regulated by any building code whatsoever. But as far as clearances to combustibles, the construction of the roofed-over structure is fine.

PAUL BECOTTE-HAIGH: And I tried to make it open-sided so that there would be more ventilation, less heat, you know, I looked at all those and, again, I fired a number of kilns, so I looked at the safety concerns.

RYAN MCDRURY (?): Ryan McDrury from 6 Quentin Drive. I was the one that ran through the woods and I do oppose. I think it's a fire hazard. It's basically the equivalency of having a bonfire out in the woods and I think my wife was a little nicer, I'm being honest. Again, I was the guy that called 911, thinking the gentleman's home was on fire. This kiln is set quite a ways from his home, in the actual woods where he had cleared out some area but my fear is sparks flying, especially in the dry of summer, at night, in morning, whenever, and causing a fire out there that you can't even get a fire truck to that area. I strongly oppose. Thank you.

VICKI KEENAN: Thank you.

PAUL BECOTTE-HAIGH: I'll say that that area was cleared when I moved in there. In fact, that was a large turn around spot before I moved in. The first builder of the house had a large turn around spot there. There are woods probably within thirty (30) feet, I would guess. But it's not directly in the woods. It's not a space that I cleared out myself or anything of that sort.

LARRY O'SULLIVAN: Just for your information, we have pictures of your property.

PAUL BECOTTE-HAIGH: Mm-hmm. Yeah.

LARRY O'SULLIVAN: And we see the abutters and we see the neighborhood, for that matter.

PAUL BECOTTE-HAIGH: Yeah, if you can see the... I gave a diagram here but it does not show exactly where the wood line is or anything. You can see the way the wood line is, I guess. So it's within thirty (30) feet of the woods probably, but it was a space that was cleared prior to me buying the house. I'll also add that, again, this is a hobby that I've been doing for a couple of years. Aside from the one (1) incident, I understand his concern, I definitely do because, again, it was something he saw in the middle of the night and came through the woods and was concerned and he was trying to do the neighborly thing my looking after our safety as well and I understand that. We've taken all kinds of precautions to not have it be a bonfire in the woods. In fact, it's with materials rated to over three thousand (3,000) degrees and a chimney that's fifteen (15) feet high and so it sort of takes that out of the equation, I hope.

BARBARA DILORENZO: So, if I may ask, you said the chimney is fifteen (15) feet high but the flames still come out the top of it?

PAUL BECOTTE-HAIGH: They come out of the top a little bit, yeah. It's still visible.

VICKI KEENAN: Neil?

NEIL DUNN: Oh, I'm sorry, Yves, I know I usually get a season permit for a fire for a fire pit I have and the Fire Department gives me a permit and then you just call in whenever you're gonna have a fire. You don't even have to do that? You don't have to get a permit, so, like, in a dry summertime, if they were extremely concerned, they'd say 'please don't do it now'?

PAUL BECOTTE-HAIGH: In fact, I tried to do that and when I first built the kiln, that's what I did. But when I called the Fire Department and told them what I was doing and the hours of operation, you know, it takes twenty four (24) hours, so it was gonna go overnight, there was some concern there, or not concern, but they said, 'oh, we only allow a permit until midnight,' so I'd have to call back at exactly midnight and re-call, so there's some technicality around the problem but I did that, in fact, to let them know that we were gonna be firing the kiln and that, you know, in case there's...because it was a fire, even though it was contained, they said because you have it contained, it's like having an outdoor barbecue sort of thing. You know, it's a little bigger than a barbecue. But that was their call, was that, no, it's a solid fuel burning appliance now. And so I did try to do that but it was difficult to have communication with the Fire Department on that issue just because of the, 'oh, we only let you have a permit until midnight and then you have to call back,' and it got a little cumbersome and strange to deal with that.

VICKI KEENAN: Mm-hmm.

RICHARD CANUEL: Because it's not considered open burning, that's why the Fire Department doesn't issue permits for that type of a use. Like if you're burning brush or in a fire pit, so...

YVES STEGER: When you have the fire going on, are embers coming out or just the flames?

PAUL BECOTTE-HAIGH: It's just flames. I designed the kiln to be very efficient at burning so there would be less smoke emitted, so anything that comes through the kiln has to make it a fair distance. There's air introduced at the bottom of the chimney to re-burn any smoke or embers of that sort. Similar to if you had no new EPA stoves. That was sort of my idea on this. And so it doesn't really emit any embers.

YVES STEGER: You said you burn about a cord. Is the cord put from the beginning or do you have to re-stoke it during the...?

PAUL BECOTTE-HAIGH: We have to continuously be there and add wood at very particular times and have air at very particular settings during the firing so that there's not too much air or there's more air at some times and less air at other times, so that we have to attend it all the time or it just

won't go. In fact, we put in an arm load at a time to see what happens, watch what's happening, put in another arm load at a time, basically, so that works.

YVES STEGER: You're watching the temperature, actually?

PAUL BECOTTE-HAIGH: Yes, sometimes it's a struggle to get the temperature up, so we have to really make sure we're watching the air and how much fuel we put in and that sort of thing. So we have to attend it all the time or it just doesn't work.

BARBARA DILORENZO: So you're not just going to bed, stoke the fire and go to bed?

PAUL BECOTTE-HAIGH: No, I'm doing that.

BARBARA DILORENZO: You're basically awake the whole twenty four (24) hours?

LARRY O'SULLIVAN: Well, somebody is, anyway.

BARBARA DILORENZO: Pretty much, somebody is, yeah.

PAUL BECOTTE-HAIGH: I have to be. I have to be.

VICKI KEENAN: Do you have any safety measures or...?

PAUL BECOTTE-HAIGH: We have a fire extinguisher. I think you commented on the fire extinguisher when you came by. Basically, we have at least a few people around, performing the, you know, come with me and help out. We try to make it a community thing with people that are other potters there and mostly fire extinguisher, clear the area, that's most of it, really.

YVES STEGER: What type of fire extinguisher do you have and in what quantity?

PAUL BECOTTE-HAIGH: I have an ABC fire extinguisher, large home size, basically. That's about it.

YVES STEGER: How many pounds?

PAUL BECOTTE-HAIGH: I couldn't tell you off the top of my head, sir.

YVES STEGER: Is it the one like this or...

PAUL BECOTTE-HAIGH: Yeah.

YVES STEGER: ...the one like this?

PAUL BECOTTE-HAIGH: Yeah, it's one like this. So, my only concern would have been if there was an ember, I mean, it turns out I don't really see any embers that come out that cause an issue but the

reason that I got that was maybe an ember comes out and lands somewhere and causes an issue. I wanted to be as safe as possible, so I got the fire extinguisher. I've never had to use it, never had to stomp anything out, never really had any...

LARRY O'SULLIVAN: And you've been burning for three (3) or four (4) years?

PAUL BECOTTE-HAIGH: A little over two (2). I've been doing the pottery, again, for three (3) or four (4) years but with other people's kilns and I didn't make that investment until a couple years ago.

BARBARA DILORENZO: You had said in your statement that, a couple of minutes ago, that other potters were there. Are you burning, are you putting stuff in your kiln from other potters?

PAUL BECOTTE-HAIGH: Yeah, it's a community thing, again, to have a cord of wood and to have the twenty four (24) hours and this and that, it requires a lot of work, so some friends come over and they put some pottery in and we sit and talk about pottery and we stoke this kiln and we share that kind of work. So that's one of the fun parts of the hobby, actually, is to have that sort of community thing with other artists.

MICHAEL GALLAGHER: How often do you stoke this? A couple of, once a month or twice, three times...?

PAUL BECOTTE-HAIGH: About three (3) or four (4) times a year.

MICHAEL GALLAGHER: Oh, a year. Okay. That's scheduled? You don't anticipate that changing...

PAUL BECOTTE-HAIGH: It shouldn't.

MICHAEL GALLAGHER: ...or all the intensity of...

PAUL BECOTTE-HAIGH: No, I don't think it will. I was hoping to fire this weekend, actually. I sort of planned it for after this meeting. But, you know, that was something I had planned already. I have a friend who's an art major, who's a pottery major, who is hoping...he's trying to convince me to fire in later April as well because his senior show is coming up. But aside from that, that would be very much an anomaly, to fire one now and then again in late April. Generally, three (3) or four (4) times a year. I can't produce fast enough to fill the kiln. Otherwise, in fact, that's one of the reasons I have other artists come and help me is because they can help fill the kiln and make it a more reasonable schedule so I can have turn over and say, 'oh, I wanna do an experiment with this kind of glaze, this kind of clay,' and then I'd have to wait a whole year again before I fired it if I didn't have other people help me fill it.

MICHAEL GALLAGHER: So you don't foresee that changing with this venture?

PAUL BECOTTE-HAIGH: No. No, just possibly a larger percentage of it would be my stuff but otherwise, it wouldn't be any more often.

VICKI KEENAN: Are there any more questions from the Board? Any more opposition in the audience? We didn't close that. Alright, we will close the public comment section and the Board deliberate at this point in the case.

DELIBERATIONS:

VICKI KEENAN: Any comments?

LARRY O'SULLIVAN: Sure.

VICKI KEENAN: Okay.

LARRY O'SULLIVAN: I suspect we probably could have asked why he's here because if he's been doing for the past couple of years and there hasn't been any issues and the frequency hasn't changed or doesn't expect to, it doesn't seem that you need a license or you need approvals from the Town or the State in order to do this. However, I understand his neighbor's concerns and I would, as I would suggest to him, or make, if necessary, a restriction that when the pre-burn is, to ensure that the neighbors have adequate knowledge in advance when you do this type of thing. And other than that, I have no objection at all to something that the Town has no objection to in any of its requirements, both fire or safety, which are huge concerns of this Board, as well as the incidences where there should be no property damages, no influence on anybody's property, I wouldn't see any reason why not.

VICKI KEENAN: Anyone else? I agree...oh, I'm sorry, go ahead, Neil.

NEIL DUNN: Well, my thought is, Richard's stated that it was inspected from a construction point of view and because it is what it is, pretty much as Larry said, there's really no restrictions or reason on it. So it sounds like he's here because of the business end of the deal, maybe for State filings or whatever. I guess it sounds like he's used pretty diligent care and there was nothing really there to...I'm surprised the Fire Department wouldn't wanna give permits on it somehow, though. I mean, that's kind of just my own thought but...

YVES STEGER: Mm-hmm.

VICKI KEENAN: I agree with Larry, I mean, by right, he can fire the kiln as a hobby. I think it's just, sort of the formality of the paperwork...

LARRY O'SULLIVAN: He can fire it everyday...

VICKI KEENAN: Right, if he wanted to.

LARRY O'SULLIVAN: ...as a hobby.

VICKI KEENAN: I agree.

YVES STEGER: Mm-hmm.

VICKI KEENAN: But where he's willing to notify the neighbors, I think that would be an appropriate exception.

YVES STEGER: I would add warn the Fire Department as well so that if they feel that there may be a danger, then they may decide on themselves to do something about it but...

LARRY O'SULLIVAN: That's just prudence.

YVES STEGER: ...they have the restriction...

LARRY O'SULLIVAN: That's just prudence.

YVES STEGER: Mm-hmm, it's just prudence, you know, warn the neighbors so that they won't have the surprise and, you know, that they have had before and then warn the Fire Department. I think these are...

LARRY O'SULLIVAN: I think if he's gone to the extent of doing it already, despite the fact not having to...

YVES STEGER: Mm-hmm.

LARRY O'SULLIVAN: ...that I would suspect that would continue as well and I don't think it would be part of a restriction I would require.

YVES STEGER: C'mon, you're always the one who has the restrictions. Now it's my turn.

[laughter]

LARRY O'SULLIVAN: But I wouldn't be against it.

VICKI KEENAN: Okay. Any more discussion? Anyone want to make a motion?

LARRY O'SULLIVAN: I make a motion to approve Case 3/18/2009-1 with the restriction that the occupant notify abutting neighbors or anyone nearby who places any concern about hearing about it twenty four (24) hours in advance.

VICKI KEENAN: Larry's made a motion to approve.

YVES STEGER: I'll second it.

VICKI KEENAN: Okay, and Yves has seconded it with a restriction.

YVES STEGER: Yup.

VICKI KEENAN: And discussion about the motion? Okay, we'll go to a vote. All those in favor of the motion, please signify by saying 'aye.'

NEIL DUNN: Aye.

VICKI KEENAN: Aye.

LARRY O'SULLIVAN: Aye.

BARBARA DILORENZO: Aye.

YVES STEGER: Aye.

VICKI KEENAN: All those opposed say 'nay.'

[no response in opposition]

VICKI KEENAN: Abstentions? Okay.

RESULT: THE MOTION TO GRANT THE SPECIAL EXCEPTION WITH RESTRICTIONS WAS APPROVED, 5-0-0.

RESPECTFULLY SUBMITTED,

LARRY O'SULLIVAN, CLERK
TYPED AND TRANSCRIBED BY JAYE A TROTTIER, SECRETARY

APPROVED APRIL 15, 2009 WITH A MOTION MADE BY NEIL DUNN, SECONDED BY BARBARA DILORENZO AND APPROVED 5-0-0.