

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

DATE: JANUARY 21, 2009

CASE NO.: 1/21/2009-1

APPLICANT: ROBERT AND KRISTEN PITARD
11 MEETINGHOUSE DRIVE
LONDONDERRY, NH 03053

LOCATION: 11 MEETINGHOUSE DRIVE, 12-143-18, AR-I

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

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

PRESENTATION: Case No. 1/21/2009-2 was read into the record with one previous case listed.

YVES STEGER: Who will be presenting?

ROBERT PITARD: That would be me.

YVES STEGER: Please, if you could introduce yourself.

ROBERT PITARD: Sure. My name is Robert Pitard, 11 Meetinghouse Drive property owner. I'm here for a special exception for a home occupation. This is my primary residence, I share with my spouse and several children, so, that's the main purpose of the property. I do run a business. It's called "Audio Elite." What it is, is it's a home theater business, custom installations and basically the majority of the work happens at the client's property. I will take inventory in at this property but it's not very substantial. There's a lot of times I'll send this product directly to the client's home just to keep that to a minimum. But mainly I wanna focus on that this is more of a backend arrangement. A lot of it happens utilizing a computer, so all my paperwork, all the procedures happen there, and obviously telephone to talk to the clients, so I have a small portion of the property that I'll call "the

office." It's a multi-function area. It consists of roughly two hundred and twenty four (224) square feet of the home. I have a location where it is, it's on the addition. It's the front portion of the home, so I think you have that paperwork of the layout of the property. It consists of six and a half (6.5) percent of basically the square footage of that particular residence, not including our new garage that I just recently built. With regard to employees, I basically perform all the work myself. I will, on occasions, have a person here or there that will help me with incidental work. If that's the case, I'll have them show up on my property in the morning and we'll go from there. I do have personal vehicles at the property and I also have vehicles that support the business, which consists of two (2) pickup trucks and one (1) van. The one van, I generally do not use it. It just is parked on the property and I had the intention of using it but I just run the two trucks, one is a work truck and the other is just for sales, so just for that regard...The days of operation; there really isn't any set days. It's not a business like that. It's not a store front by any means. Customers very rarely come to my house. If I had to gauge it, I would say it's about five (5) percent of the time that I would welcome a client into my house and kind of show them some of the TV's and product that I apply to my personal property and they can take a look at it. And beyond that, they rarely come to the house. I go to the job, their personal home, I'll sell the job there and come back later and perform the installation and that's the general nature of it, so there are no set hours in that regard. Impact wise...I'm just trying to see here, what's the best fit and format that you're looking here from me...In regards to parking, like I said, clients come about five (5) percent of the time. There's plenty of parking off road. I have fifty (50) feet of frontage for my main driveway and then I have a driveway that's newly constructed that carries down to the back garage but again, that covers the parking. I haven't changed the residential character by any means of the house. The house looks as it always has. It's strictly a house with regards to aesthetics. There is no signage and/or will there ever be signage. And basically this is the limit of what my forecast for moving forward is as well. So, I believe I covered everything here. Again, I do want to note, I put a three (3) car garage on that maybe has triggered some thought that this business is growing but that three (3) car garage, as I did not put it on this application in regards to where my footprint of the business is, because it really doesn't consist of that garage. The garage supports a couple sports cars that I have and it's a tiled floor. It looks just like, you know, a checkerboard pattern, so it really is dedicated for cars. I will say a box or two would definitely end up in there. That would be a speaker. But really, beyond that, there's no need for it, so...I think that is everything in total.

YVES STEGER: Thank you. Are there questions from the Board?

LARRY O'SULLIVAN: Always. How long have you been in business, Mr. Pitard?

ROBERT PITARD: Roughly about five (5), six (6) years.

LARRY O'SULLIVAN: And working out of the home all this time?

ROBERT PITARD: Yes.

LARRY O'SULLIVAN: How come you're here?

ROBERT PITARD: Say that again?

LARRY O'SULLIVAN: Why are you here?

ROBERT PITARD: Just, I think, because I just newly built this three (3) car garage, it just spawned some interest with regards to what is happening at my property. I've been working with the Building Inspector and he picked this up. Again, the vehicles that I do use for this business are lettered, so I think coupled with a couple different relationships to that regard lended itself to it, so...And I'm probably not familiar with the exception here that we're looking at, maybe perhaps I should have been here earlier. But the garage has triggered it and it's been brought to my attention and so I'm addressing it.

LARRY O'SULLIVAN: Trying to get it squared away. Okay, good. The showroom that you have in your home...?

ROBERT PITARD: Yes.

LARRY O'SULLIVAN: Is this multi-rooms, do you have like a family room, a living room and what have you, where you've already set up equipment that you use yourself?

ROBERT PITARD: Yes. I do have, I call it a great room. All of this is not really ramped up to look extraneous and out of place, it's just an integrated natural application, so a TV, controllers, limited controllers and projectors and stuff like that, so it's really small scale. I mean, it wouldn't be beyond what a normal home or average or next step home would have, so...I use it quite often, so...

LARRY O'SULLIVAN: Show it off, sure.

ROBERT PITARD: Yes.

LARRY O'SULLIVAN: Okay. A question for you on the inventory. You say you may have a box or two that goes in the garage from time to time.

ROBERT PITARD: Yes.

LARRY O'SULLIVAN: A box being as big as the desk that you're at or a box being something that has to come in on a truck?

ROBERT PITARD: Right. They would vary. This would be very large. We'll say I have received in a fifty (50) inch plasma. The largest box would be a sixty (60) inch plasma. A lot of the inventory does arrive via UPS, just like any other house, so this would be extreme. They are more manageable, hand held style boxes, so, not even half this size, generally.

LARRY O'SULLIVAN: Okay. Would you keep any inventory also in your home?

ROBERT PITARD: Inventory, I do not. And the beauty of my business is these days, I don't need to. I buy everything a la carte because my projects, I custom build for the clients based on their needs,

so...And the product changes very frequently, so I just buy it on the fly. So, as fast as it comes in, it's generally going out within a day or two, if it hasn't gone to the client's house directly.

LARRY O'SULLIVAN: Do you have to get out a saw or equipment in order to build furniture as well for the equipment?

ROBERT PITARD: No.

LARRY O'SULLIVAN: Okay. I'm just trying to think of any noise that you may create that neighbors may become aware of.

ROBERT PITARD: Oh, yes. Noise wise, really, business wise isn't any impact. I do enjoy building myself, tinkering in the house, doing trim work and stuff like that, so I would say that would be any majority of the noise coming from my property. Unless the sports cars...

YVES STEGER: Anybody else?

MICHAEL GALLAGHER: Did you say that that office addition...does that serve as a showroom or...was I understanding correctly that you kind of show off your own...?

ROBERT PITARD: Right, what happens there, that office is just really like any other home office. It's just my computer with a desk, my son has a side table credenza that he sits at with his computer and often, he'll be in there with me as well. So it's really not that, I have security cameras just monitor the property but it's nothing more than what you would envision a home office to look like. So that is not the showroom area. Just the family room, you know, where everybody watches TV generally, would be the area that would be of most interest. I'm not sure if I answered fully.

MICHAEL GALLAGHER: Have you clients at your office often or is it posted hours or...?

ROBERT PITARD: No. Generally what I'll do is by appointment, I'll just schedule a time that they come in and actually, it's usually, if there were to be a time, it would be midday. So it's not an extraneous hour and they're not there very long. Last time I had a customer come to my house was probably, honestly, five (5) months ago, so it's no more than a traffic pattern of having friends or family over.

BARBARA DILORENZO: If I may, I wanna ask him...I just wanna get straight in my mind exactly what it is that you have. So if I was a customer of yours, what items would be provided or that I would have a choice to?

ROBERT PITARD: Sure.

BARBARA DILORENZO: Are you talking about security cameras and that type of thing or are you...?

ROBERT PITARD: Yes, security cameras would be of the offering. DVD players, remotes, I do a lot of remote controls, custom programming, TV's, LCD's, a lot of wire.

BARBARA DILORENZO: A lot of what?

ROBERT PITARD: Wire. Just wire...

BARBARA DILORENZO: "Wire"?

ROBERT PITARD: Low voltage wire, yes. Like CAT-5 computer cable.

BARBARA DILORENZO: Do you stock that?

ROBERT PITARD: I stock what I can fit in my truck is what I stock. I have a Dodge Ram pickup truck with a cab on it and basically what's in there is what I stock and I will probably stock about several small boxes of it as well.

BARBARA DILORENZO: So it's televisions, VCR's, you said security cameras, so security systems or...?

ROBERT PITARD: Right. It's anything, electronics, could potentially be there.

BARBARA DILORENZO: So then you would go set these up in somebody's home, is that basically what you do?

ROBERT PITARD: Yes. So it's very similar to, not to use company names, but Best Buy has The Geek Squad, so I might, like [inaudible] Geek Squad...

BARBARA DILORENZO: I don't even know what that is.

ROBERT PITARD: Alright, well, it's just...I provide more of a service. The product flows through me to the customer.

BARBARA DILORENZO: Okay.

ROBERT PITARD: It's kind of like Amazon, you know, you buy a Blu-Ray machine on the computer and they'll ship it to you. I ship it to them and then I go and install it for them so they don't have to bother. Like I said, a lot of it is me going to them and me doing backend office stuff to support it.

BARBARA DILORENZO: So that's why you really don't have set hours. I noticed your paperwork you filled out was a little vague. It wasn't really definite.

ROBERT PITARD: Right, 'cause that question alluded itself to days of operation and hours of operation that's very similar to if you had a store or maybe a lawnmower business, you know, that somebody, you would say 'people can come to my house nine (9) to five (5),' but I don't have that

because limited interaction coming to my house doesn't really yield that. And the delivery side is generally between nine (9) and five (5) when common carrier vehicles, such as UPS and FedEx would normally deliver, so that would be the limit of it.

BARBARA DILORENZO: And how many deliveries did you say you have a week?

ROBERT PITARD: It will spike. During Super Bowl, I would have more than other times but generally, I would say a dozen a week.

BARBARA DILORENZO: And that's mainly, probably, during the week and not on the weekend, not on the Saturday or...?

ROBERT PITARD: Yes. Saturday, Sunday, nothing. Well, maybe Saturday. Sundays I try not to work. Saturdays, depending on if it's football season or not, it'll be reduced but it's really not extraneous amounts of deliveries.

YVES STEGER: Okay?

JIM SMITH: Okay.

YVES STEGER: Go ahead.

JIM SMITH: When you said "twelve (12) per week," you mean that's customers that you service, not people that come to your property?

BARBARA DILORENZO: Deliveries. That was deliveries.

ROBERT PITARD: That was deliveries.

LARRY O'SULLIVAN: Deliveries.

ROBERT PITARD: Just estimated, if I needed, you know, just trying to figure out an average of how many times I would see UPS or FedEx during a week, you know?

JIM SMITH: And you're not asking for any employees?

YVES STEGER: Yes, he did.

JIM SMITH: He did?

LARRY O'SULLIVAN: He's having a part time...

ROBERT PITARD: I'm not really asking for an employee, I just wanted to, on the record, let you know that, or hoping it's okay that on occasions, I would have somebody who would assist me, you know, so it would be off an on, a day or two, maybe a couple times a month.

YVES STEGER: You said you were using two (2) trucks?

ROBERT PITARD: Yes.

YVES STEGER: If you're one (1) person, you can't drive two (2) trucks at the same time, okay?

ROBERT PITARD: That's right. That's why I have the sales truck, 'cause I do the sales, too.

YVES STEGER: Okay.

ROBERT PITARD: And then I also do the installation portion too, so I have a 2004 Dodge Ram without the cab but it is lettered with the Audio Elite information and that's the one I'll do the general running around, so it looks less business like. And then I have the other truck, the green '99 Dodge Ram, that has the cab on the back which looks more work like than that is the one I'll use the most. And then I have the white van that I haven't used at all.

YVES STEGER: What are the marking on those cars?

ROBERT PITARD: It is the Audio Elite logo...

YVES STEGER: Is it just a logo?

ROBERT PITARD: No, it goes beyond that, it does say a little splash of bullet information, "home theaters, audio and video," and phone number and website.

YVES STEGER: Okay.

LARRY O'SULLIVAN: Do you have commercial plates on either?

ROBERT PITARD: No, I do not.

BARBARA DILORENZO: Is your name registered in the State?

ROBERT PITARD: The business name is, yes.

VICKI KEENAN: How many other vehicles, on any given day, are parking at the home?

ROBERT PITARD: At my home? I have several other vehicles that I park inside...

VICKI KEENAN: Mm-hmm.

ROBERT PITARD: So, generally, if you drive by my property, you won't see any there, so I would say besides the trucks...so there's two (2) trucks, one (1) van and my wife's vehicle and then two (2) other cars, so, six (6) vehicles.

YVES STEGER: So, you have at least three (3) vehicles that are always outside of the garage?

ROBERT PITARD: I used to. This is why...I did build that garage to hide...I shouldn't say "hide," but to put the vehicle inside, under cover when it snows out and to reduce, actually, the aesthetic of the neighborhood just because I, personally, don't enjoy seeing those trucks in my driveway, either. So, I park them down in the back now. That's as of the last five (5) months.

BARBARA DILORENZO: You said you park them down back? Is that what you just said?

ROBERT PITARD: Yes.

VICKI KEENAN: There's a driveway behind the house.

ROBERT PITARD: I built that addition on, I have an addition added to the primary existing residence. That's why I needed that variance that was mentioned earlier, to support that. And then I have a driveway that comes down the side of the house that goes to this three (3) car garage, so, which is new, again, so...Richard's familiar with it but...

JIM SMITH: How many vehicles can you park inside?

ROBERT PITARD: I can park six (6) inside.

JIM SMITH: Six (6).

ROBERT PITARD: I generally park five (5) inside, though.

JIM SMITH: You got three (3) in the rear and three (3) in the main house?

ROBERT PITARD: Two (2) in the main house and then three (3) in the rear and inside the two (2) car garage is also another garage bay and sometimes I'll stick a vehicle in there for long term storage in the winter. I'm not sure if I'm painting the picture of how this looks but from the front of the property, if you're standing from the street, looking at the home, you see a two (2) car garage and that's it.

JIM SMITH: How big is the three (3) car garage?

ROBERT PITARD: The three (3) car garage is...dimension wise, I think it's about thirty six (36) by twenty four (24).

JIM SMITH: And you're parking at least two (2) of the company vehicles in that garage routinely?

ROBERT PITARD: Yes. Generally, I park that sales truck that I had called it, which is my personal truck, up top and then I'll park my wife's vehicle up top as well and then I'll park the work green

truck down at the bottom and I move the sports cars around but generally, I keep one down at the bottom. I'm trying not to expose too much of my car collection but, for the record.

JIM SMITH: Okay, can I ask Richard a question? When you're figuring the percentage of space devoted to the business, did you include the space where they're parking in the garages or not?

RICHARD CANUEL: Not for the detached garage, no, because that's not considered part of the living space of the home.

ROBERT PITARD: Right.

RICHARD CANUEL: You know, even though the ordinance does allow the home occupation to be located in a detached garage, that detached garage is not necessarily part of the normal living space of the home, so, no, that's...

YVES STEGER: The same as way as a basement are not included.

RICHARD CANUEL: It wasn't taken into consideration for the total square footage.

ROBERT PITARD: The vehicle parked there, I just started parking in that garage. In the summer, it could end up outside in the driveway, down the back. It's just, with the snow, I just put it in there.

YVES STEGER: Okay. Are there more questions?

JIM SMITH: No.

YVES STEGER: Alright...

JIM SMITH: In reading that section, what it says is, "the home occupation shall not occupy more than twenty five (25) percent of the normal living area (as defined in Section 4.7 of this ordinance) [in] the home, regardless of the location of the home occupation on the property." What does that last sentence mean?

RICHARD CANUEL: You're asking me?

JIM SMITH: You're the one who has to make the interpretation.

RICHARD CANUEL: Okay, I just wanna make sure...

JIM SMITH: I know how I would interpret it but you're the one making the interpretations now.

RICHARD CANUEL: Well, what that says to me is that the home occupation can be located in the detached garage and the area of that detached garage isn't considered that twenty five (25) percent of the total living area of the home. I didn't think that applies in this particular instance because the location of the business use itself is in the home, in the office that's located in the home. If the

applicant parks his business vehicles in that detached garage, then I think he meets the intent in the ordinance providing the adequate off-street parking but that's not necessarily the use of the business itself, so...

YVES STEGER: For example, he could park his cars anywhere he wants in the back of his house and then they would not be counted either.

JIM SMITH: Right.

YVES STEGER: So, it's really...

JIM SMITH: What about the storage of any equipment or parts?

RICHARD CANUEL: Well, that's up to this Board to decide. I think if the space in the home that's being used for the business, if it meets that twenty five (25) percent, that's the area that needs to be used for the business. Any storage of equipment that's used in relationship to the business should be in that twenty five (25) percent area that's used for the business.

LARRY O'SULLIVAN: Yup. I think if we...I was a little stuck on that one myself, 3.12.1.2: "The home occupation shall be carried on by the occupant only within a dwelling and/or garage and shall be incidental and secondary to the use of the property as a dwelling for dwelling purposes and shall not change the residential character thereof. For purposes of this section, a garage shall be defined as a detached accessory building or portion of a principal building used or occupied for the parking or temporary storage of household goods and/or motor vehicles of the occupants of the premises." So that, to me, means that the new garage is to be considered part of the business as well as part of the home that needs to be measured.

ROBERT PITARD: Yeah, under my calculations, my square footage, that six and a half (6.5) percent that I was talking about covered the living area. I haven't calculated the square footage. I think that thirty six (36) by twenty four (24) area would...

LARRY O'SULLIVAN: Excuse me, but the purpose of this part of the ordinance is so that we don't have people building garages to store their business vehicles to...so they can create a bigger business in their home.

ROBERT PITARD: Yup.

LARRY O'SULLIVAN: Right? What we don't want to do is change the character, I'm sure you don't want to either, change the character of your property or the neighborhood. And we're treading on some thin ice at this point. We're having a three (3) car external garage that holds two (2) of your company vehicles, so, that is an issue or potentially an issue.

YVES STEGER: And possibly some storage.

LARRY O'SULLIVAN: And storage area, so, for us to permit that, you need to be able to address it to

the satisfaction of the members so that we feel more comfortable saying, 'oh, nobody's going to be disturbed by the activities that happen there,' nobody's gonna hear the noises, there's gonna be no change in character for the neighborhood and your neighbors aren't going to say, 'those sons-a-guns on the Zoning Board, look at what they did.'

ROBERT PITARD: Yeah, and I understand what you're saying. I'm just...I was thinking that from the car point of view, if I had a collection of five (5) sports cars, I could put them in there, no problem.

LARRY O'SULLIVAN: You could leave your company vehicles outside.

ROBERT PITARD: Well, yeah, I'm not even thinking about the company, I'm just thinking if I had cars and I wanted to house them, I would be providing for that, you know what I mean.

YVES STEGER: So, this will be part of the deliberation but essentially, the question to you would be to help us in the deliberation. If you were to add the surface used by your two (2) business trucks in your garage, not the third one if you're not using one, but those that you're using for your business, you would take that surface and add it to the one of your office, what percentage would it be of the total living space?

ROBERT PITARD: Right, can I...?

YVES STEGER: Is that a good way of stating it?

LARRY O'SULLIVAN: A better way to say it, yes.

VICKI KEENAN: I did the math.

ROBERT PITARD: I can calculate that if...

YVES STEGER: Sorry?

VICKI KEENAN: I did a little spreadsheet.

YVES STEGER: Oh.

VICKI KEENAN: You said...

ROBERT PITARD: I think my vehicles are eighteen (18) feet long. And I think they're about nine (9) to ten (10) feet wide, so I'm not...

YVES STEGER: That's an additional three hundred sixty (360).

VICKI KEENAN: So that's like sixteen point eight (16.8) percent of the dwelling.

JIM SMITH: That's right.

LARRY O'SULLIVAN: Sixteen (16)?

VICKI KEENAN: Sixteen point eight (16.8) percent of the dwelling. So I think they're okay.

LARRY O'SULLIVAN: Okay.

YVES STEGER: When you add the other, the rest...

VICKI KEENAN: Yeah.

YVES STEGER: ...the three hundred twenty four (324). So we are, even if we do that, we are well below the twenty five (25) percent.

VICKI KEENAN: There's plenty of room.

LARRY O'SULLIVAN: Okay.

YVES STEGER: And I think that's a good point that we ask because otherwise, we would have been arguing this point for a long time during our deliberations.

ROBERT PITARD: It is a good call because, like I said, I take and I store the product that I take to the jobs in one of those trucks in particular, so that definitely is cubic storage. So, yes.

YVES STEGER: And the reason is very simple, you know, the rules for special exceptions are very clear. There are certain numbers, if you meet all of those to our satisfaction, we will, we need to grant it to you. If you miss any one (1) of those, we cannot grant it to you, so, it's that simple. It's not like, you know, we just think about it, you know, we just have to follow the rules and they are very clear, so that's why we need to make sure that every single one is met and then there will be no problem. Anybody has another question? No? Then I would like to open it to the public. Anybody would like to speak in favor of this application? Seeing none, anybody would like to ask questions or is opposed to the application? None, so let's bring it back to the Board for any further questions that you may have. No? No? Okay, thank you. We're gonna take it under deliberation now.

ROBERT PITARD: Thank you.

YVES STEGER: The public portion is complete.

DELIBERATIONS:

LARRY O'SULLIVAN: You're looking at me. I'm fairly comfortable with...

YVES STEGER: That's because you're the only one on that side. I'm turning my head all the time.

LARRY O'SULLIVAN: I'm fairly comfortable with his presentation that he met the qualifications that we have, the criteria. My concern is a part time employee who is kind of like, has the ability to come and go whenever and there's no limitation on the number of hours of work for this business. 'Cause he's already agreed that he's not gonna have any signage, which is a big step, I'm sure, a big help for us. But at the same time, having somebody driving in and out at all hours of the day and night, I think, needs to have limitations. So I would make a proposal or make a suggestion that we have limited access by employees to normal business hours, you know, nine (9) to six (6) or nine (9) to nine (9) or something like that so that you don't have people driving in and out at all hours of the day and night.

YVES STEGER: Sounds reasonable. Anybody else have additional comments, discussion?

JIM SMITH: No.

YVES STEGER: Anybody feels that the applicant did not meet any of the special exception criteria?

VICKI KEENAN: Can I ask one question? On the application, it says that the occupation will not use more than six and a quarter (6.25) percent of the home. Do we need to modify that to account or it just needs to be under twenty five (25) percent?

LARRY O'SULLIVAN: The spirit is under twenty five (25) percent, so...

VICKI KEENAN: Okay, I wasn't sure if that had to be documented or...okay.

YVES STEGER: And, actually, the recordings that we have show that we have considered that, so...

VICKI KEENAN: Okay. Alright, good.

YVES STEGER: Anybody would like to make a motion including the comments that Larry made?

LARRY O'SULLIVAN: Okay, I'll...

YVES STEGER: About limiting the hours of the employee to those that are within the normal business hours.

LARRY O'SULLIVAN: Okay, I'll make the motion myself, then. And see if we get a second.

YVES STEGER: Thank you, Larry.

LARRY O'SULLIVAN: We'll see if we get a second. I make a motion to approve case 1/21/2009-1, special exception, with the limitation or restriction that the occasional part time employee be restricted to business hours between nine (9) and nine (9), Monday through Friday. Or, I'm sorry, Monday through Monday.

VICKI KEENAN: He said he works some hours on Saturday.

LARRY O'SULLIVAN: Yup.

VICKI KEENAN: ...limit him from doing this.

YVES STEGER: Okay.

JIM SMITH: I'll second.

YVES STEGER: Any further discussion?

BARBARA DILORENZO: What did you ask...?

VICKI KEENAN: I'm sorry, I jumped out of turn.

LARRY O'SULLIVAN: No, that's okay.

VICKI KEENAN: He had mentioned that they sometimes do projects on Saturday, which I think is normal. So if we limit it Monday through Friday, from nine (9) to nine (9), it kind of limits him from...

LARRY O'SULLIVAN: That's why I said Monday through Monday.

VICKI KEENAN: Okay. I'm sorry, I missed that. Okay.

YVES STEGER: Anybody wants to second?

JIM SMITH: I second.

YVES STEGER: I'm sorry?

JIM SMITH: Second.

YVES STEGER: Second, so we have a motion by Larry, seconded by Jim. Anybody in favor says 'aye.'

JIM SMITH: Aye.

LARRY O'SULLIVAN: Aye.

VICKI KEENAN: Aye.

BARBARA DILORENZO: Aye.

YVES STEGER: Aye. Anybody opposed? None.

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 FEBRUARY 18, 2009 WITH A MOTION MADE BY LARRY O'SULLIVAN,
SECONDED BY BARBARA DILORENZO AND APPROVED 5-0-0.