

Town of New Boston
Zoning Board of Adjustment

Meeting Minutes
01/26/11

Approved 03/15/11

Member present: Robert Todd, Harry Piper, Greg Mattison, Phil Consolini, David Craig, Laura Todd.

Meeting called to order @ 7:05PM. Robert Todd moved minutes from 09/20/10 hearings be accepted as written, 2nd by Phil Consolini. Motion passed

2011-1, Application for a SPECIAL EXCEPTION, by Lori Taylor (Canine Commitment of New England), 733 Bedford Road, Map/lot 12/67, RA district, Article II, Section 204.4. Representing this application, Lori Taylor (applicant) Bill Weston (property owner) Ross Norwood (representative from CCNE, a non-profit corporation).

Chairman Craig asked Bill Weston to explain the leasing agreement.

Mr. Weston said that he and his wife had moved to Amherst. They were leasing the property to Canine Commitment of New England with Lori Taylor as the resident. There is a free standing garage which will be used by CCNE and Lori will live in the house. This is a lease to buy arrangement, but there is an option not to renew, if the Weston's have an opportunity to sell the property, but CCNE can match any offer.

Lori Taylor explained the 2 car garage would be used as a kennel; she passed out photos to the board to view the building and grounds. She pointed out the driveway, house and garage locations on the map that had been presented in the application.

Harry Piper asked what they intended to use the upper level of the garage for?

Lori answered nothing at this time. She went on to explain that pregnant canines from southern states are transported to NH and will stay at this location until they give birth. As soon as the puppies are 8 weeks old they are adopted out to suitable homes. The mothers are spayed and either adopted out or sent to foster homes until they can be adopted usually within 4 weeks.

Ross Norwood explained that the state of NH encourages neutering and these mothers would be neutered. But to bring the female dogs to NH, they need a place to quarantine them, and then have a healthy and safe place for them. The state would license the facility (Division of Animal Industry) and probably allow 2 mothers at one time.

Chairman Craig noted that a maximum number of mothers would be 2, and possibly 8 puppies each, so a total of 18 dogs at a time. He then questioned if any particular breed.

Ross said no particular breed, explaining that the southern state mandate euthanizing pregnant mothers. Her organization gets notified of these mothers and need to move quickly to keep them alive. They move them to safe house for 2 weeks, where they get their shots, etc. Then they are transported to NH by a big transport company, which bring dogs to this state every Saturday. There are several drop off places and the transport truck would not come to the Bedford Road property.

Ross and Lori continued with the process of adoption of the puppies, saying that after the initial application process an appointment is made to view the puppies. These appointments would be during the evening and on weekends, only prearranged appointments would be made. One appointment at a time with maybe 4 per weekend.

Robert Todd asked if the new home did not work out, would the puppies come back to you. And do you use local veterinaries? Yes, but they would then go into a foster home location and, yes local vets are used.

Chairman Craig asked about fencing. And was told by Ross and Lori that there would be fencing around the garage, they would never be outside during the night and all outside time was completely controlled.

A discussion followed about the number of dogs that would be allowed. Chairman Craig said that a maximum number needed to be established. Greg Mattison had a concern that the CCNE would have a hard time saying no to request to take more dogs. Ross explained that the state would authorize the number of dogs allowed.

Bill Weston said that the lease stated the area which could contain the dogs and the state would come by on a regular basis to inspect.

Chairman Craig then asked if any abutters wanted to speak to the application.

Geoff Hudson of SHB properties presented the board with a letter (in file). He then showed the board the location of his lots.

Chairman Craig read Mr. Hudson's letter and also an email from Mr. Saucier the partner of SHB. (email also in file) Both were against this special exception being allowed.

Mr. Hudson said that as the manager of properties the two major complaints were lack of utilities and issues with dogs. He doesn't want to be against this project, but it is a not in my backyard situation. He was concerned his properties would not sell with this kennel next door. The noise and smell would deter buyers. He noted the issues in the town of Bedford when there was a subdivision proposed next to the Animal Rescue League. He said he spoke to someone at the Animal Rescue League who told him they did not have enough dogs to adopt out. He was convinced his abutting lots would not sell.

Ross responded that the size of this property is 22 acres and this is not a rescue league, basically a fostering group. And there are plenty of dogs in the south that need a home. She went on to say she never had a complaint from her neighbors in Bedford, where she does the same thing as proposed at this property. Also they pick up after the dogs so there would be no odor; they need to keep the area clean for health reasons. It is clean and sterile at all times.

Bill Weston said the garage to the house is 110 feet, the house to Campbell Pond Road lot line is approximately 400 feet and half of it is wooded. He noted that many of the abutters to SHB properties have dogs.

Chairman Craig wanted clarification of how many people would be on site. Ross said she and Lori would be caring for the dogs and adopting appointments.

Robert Todd asked Mr. Hudson how far away from Campbell Pond Road his closest lots are? And asked how he would feel if the Weston property became a farm, which would be allowed in that zone.

Mr. Hudson said because of the wetlands, the lots are 200' from the road and he is aware that the property could become a farm. He also stated that at times he could hear the Weston dogs from the lots.

It was noted that the Weston's had a ten acre invisible fence for their dogs and the dogs were outside most of the time.

Robert Todd said he had investigated the effect of forest on decibels of sound and had taken some information out of the Vermont Urban & Community Forestry Manual. (see file) He explained that every 100' of woodland buffer decreases the number of decibels. He noted that with the 200' of forested land to the Hudson property, that was more of a buffer than there would be in most zones. He went on to say, that he was comfortable there would not be a noise issue as long as the forest stayed in place, even though some noise would be heard.

There was discussion about appraisers being hired by Mr. Hudson and CCNE to see if the kennel would have any effect on the value of abutting properties. It was decided that would not help the board and it would delay their decision by at least a couple of months.

Robert Todd said anyone buying property in the R/1 should be aware if they are up against the R/A district.

Harry Piper moved to approve the application for a special exception with stipulations.

1. Maximum of (2) adult dogs, unless the state square foot requirement allows less.
2. Maximum number of total canines allowed will be set by the state requirement, based on the area of the building as presented to the board.
3. No tree cutting between the kennel and the property line to the north.

4. This approval expires in one year. The applicant must re-apply.
Phil Consolini 2nd the motion, passed unanimously.

Harry Piper moved to adjourn the meeting @ 8:45, 2nd by Phil Consolini

Respectfully submitted

Laura Todd, clerk

01/31/11

Approved 03/15/11