



## RINDGE BOARD OF ADJUSTMENT

30 PAYSON HILL ROAD, PO BOX 163

RINDGE, NH 03461

Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964

www.town.rindge.nh.us

Approved

9/28/10

**Zoning Board of Adjustment  
Public Hearing Minutes  
July 27, 2010**

**Regular members present:** Chairman Janet Goodrich, Vice Chairman, David Drouin, Marcia Breckenridge and Phil Stenersen.

**Alternate members present:** Charlie Eicher, and Joseph Hill.

Janet Goodrich opened the Public Hearing at 7:00 pm with the Pledge of Allegiance. The members and alternates introduced themselves and their status.

Recusals: None

Notices of public hearings were posted as follows: Town office, post office, transfer station, and newspaper.

**Public Hearings:**

Drouin motioned to hear case 1018 prior to 1017, all in favor.

**CASE 1018: CYNTHIA PECK** 64 East Monomonac Rd. Rindge NH for a Special Exception from the Rindge Zoning Ordinance Article XII, section C to allow for the addition of a family room to the existing house.

DuVernay submitted a letter stating the special exception does not apply as the building she is wishing to expand is not non-conforming (see attached). In light of this information the board had to decide whether or not to hear the case.

Breckenridge motioned that the board decide it is not necessary for Mrs. Peck to apply for a special exception based on testimony by Mr. DuVernay because the building is conforming. Application fee is to be refunded to the applicant, Drouin seconded, all in favor, unanimous vote.

**CASE 1017: MARY MAGUIRE** 12 Ferin Rd. Rindge, NH Map 4 Lot 2 for a special exception of the Rindge Zoning Ordinance Article V, Section A.1 to allow for in home dog boarding and dog day care for 20 dogs .

Charles Eicher will read the case before the board and will summarize the ordinances.



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Sitting on this case will be: David Drouin, Marcia Breckenridge, Janet Goodrich, Phil Stenersen, and Joe Hill.

Mrs. Maguire spoke stating her intent is to have an in home boarding/daycare facility for dogs, housing up to 20 dogs. She emphasized this would be the total number of dogs. She does not plan on erecting a kennel area, she currently has a large fenced area that would be utilized.

Mrs. Maguire stated she has a room above her two car garage (24ft. X 24ft.) that is currently not being used and the room will be finished and the dogs will also occupy this area. Drouin voiced some concern regarding having 20 dogs (potentially 23 dogs including the owners 3 dogs) in a 24 X 24 room. Currently this room is all open space, it is not sectioned off at all.

The daycare will allow for dogs to come in and be picked up daily.  
Dogs will have adult supervision at all times.

Emily Rouginous spoke on behalf of Mrs. Maguire stating that because the dogs will be in a boarding situation, the dogs will be temperament tested, and evaluated. The dogs will not all be outside at the same time due to size and temperament of dogs.

Breckenridge asked if a license was needed to run this type of facility, to which Rouginous responded there is no state mandated agency, and no board oversight for this type of facility.

Eicher asked about specific hours of operation for outside time. Mrs. Maguire stated dogs will be inside by 7:00 PM.

There were several questions from members of the board:

1. Will all dogs be out at the same time?
  - a. No dogs will not all be allowed outside at the same time.
2. How will sanitization be handled? Is there a cement floor for hosing off?
  - a. No cement floor, owner will figure out how to sanitize most likely with bleach or some sort of cleanser.
  - b. Possibility of purchasing a small shop vac type of unit to clean the areas in question.
3. How will waste be disposed of?
  - a. Owner will probably hire professional waste management company to dispose of waste.
  - b. Waste will be picked up as quickly as possible.
4. How will this effect traffic, noise, odors (per specifications of application)?
  - a. Ms. Rouginous states a well run kennel does not have excessive noise. The goal would not be to bring in dogs that would not be barking constantly and carrying



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on. The dogs would be temperament tested, the dogs in an in house boarding situation have to be manageable and social.

5. How close are the nearest neighbors?
  - a. Closest neighbor is approx 810ft. (Arial photo presented by applicant)
6. How will noise control be handled when dogs are being dropped off?
  - a. Dogs will probably be kept in room over garage while other dogs are being dropped off.

Forbes Farmer voiced concern about the increase in noise as well as the decrease in the value of his abutting property. There was some discussion about if he chose to sell some property and the best location to build a home would be bordering Mrs. Maguire's property. This would most likely make selling property harder due to the fact that building would have to take place right next to a dog boarding facility.

Mr. Forbes also voiced his concern that the board would be allowing a commercial business into a residential area.

John Lesorsa stated that approximately 8 years ago Mrs. Maguire was running a dog care facility at her home and there was excessive barking from the dogs. He stated Larry Harris was called on several occasions to ask about noise laws. Mr. Lesourcer also stated Mrs. Maguire was "shut down" as soon as neighbors (who just happened to be a state trooper) moved in.

Mrs. Maguire stated she was not "shut down" but that she got overwhelmed with the business. This was a paperwork issue, not a noise or odor issue.

Drouin stated there seem to be a lot of unanswered questions and questioned if motion to continue case should be presented. Hill stated he feels we should proceed to deliberation, motion to proceed to deliberate by Hill, no second.

Motion made by Drouin to continue case to a future date, not to exceed 90 days, seconded by Stenersen, vote unanimous.

### **Case will be continued to Sept. 28, 2010 meeting.**

The Board will present applicant with a list of questions they would like additional information on.

### **Other Business**

Minutes from 6/22/10 reviewed, changes were suggested. Motion to approve minutes as amended made by Drouin, all in favor, unanimous vote.

Reviewers for the August 24, 2010 meeting will be Drouin and Eicher. The cut off date for the August Meeting is August 3<sup>rd</sup>, 2010 at 4:30 PM.



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Rules of Procedure reviewed in their entirety, several changes were suggested. Rules of Procedure will be edited and distributed to board for review.

**Job Descriptions:** Are there any changes to job descriptions the board would like to make? Drouin recollected that the board had approved a change to the chairman job description so that the chairman could act as liaison to town departments and clerk between regular ZBA meetings.

Financials briefly reviewed.

A spread sheet of case logs has been started. The log includes case#, applicant name, map# and lot#. Members discussed adding what type of application was filed ex. Special Exception, Variance for cross referencing, and ease of referencing parallel cases. There are approximately 200 cases "missing" from our filing system. There is a possibility they may be filed with map/lot. Breckenridge mentioned a consistent filing system so that this does not happen in the future. **To be discussed further at next meeting.** Application fees were brought up, and at this time, the board will hold off on changing the fees.

The clerk has been registering decisions with the registry of deeds since Sept. 09. Does the board wish to go back prior to 09/09 and register older cases? Drouin mention the board take a set dollar amount from the budget and register older decisions. The clerk mentioned that the registry of deeds needs an original signature of both the chair and vice chair, they will not accept a copy of an original. The clerk may have to re-type older decisions if they are not in the case files, and formatted correctly. Hill mentioned there are some CD's with information on them and older decisions may be accessed this way.

All members were asked to complete a time sheet and sign so that the Chairman could submit to the bookkeeper. Board members hours are being recorded monthly and submitted quarterly to the bookkeeper.

Application revisions were reviewed for the second time. In reviewing the Special Exception application, a change was recommended. The change will read: Description of proposed use showing justification for a special exception as specified in the \_\_\_\_\_ ordinance, article, \_\_\_\_\_ section\_\_\_\_\_.

Drouin motioned to approve Variance Application revisions, and accept the changes to the Special Exception application as amended, Breckenridge seconded, unanimous vote. Approval date for both application revisions will be July 27, 2010.

Discussion of official site for ZBA documents to be stored electronically. Information is currently being stored on Clerk's personal computer. Town is going to help establish a site where documentation can be stored and available for board members.

Motion to adjourn made by Breckenridge, seconded by Goodrich, meeting adjourned at 10:00 pm.



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Respectfully submitted,  
Carol Olesen/Clerk

*Janet Goodrich*

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Janet Goodrich/Chairman

*David G. Drouin*

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David Drouin/Vice Chairman