



**Stratham Zoning Board of Adjustment
Meeting Minutes
May 22, 2018
Municipal Center, Selectmen's Meeting Room
10 Bunker Hill Avenue
Time: 7:00 PM**

Members Present: Garrett Dolan, Full Time Member
Bruno Federico, Full Time Member
Deidre Lawrence, Full Time Member
Tana Ream, Alternate

Members Absent: Phil Caparso, Full Time Member

Staff Present: Mark Morong, Building and Zoning Official

1) Call to Order/Roll Call

Chairman took roll call and explained the procedure of the hearing to the applicants. Mr. Dolan asked Ms. Ream if she would be a voting member for this meeting. Ms. Ream agreed.

2) Approval of Minutes

a. March 27, 2018

Ms. Lawrence made a motion to approve the minutes from March 27, 2018 as submitted. Ms. Ream seconded the motion. Motion carried unanimously.

3) Public Hearing(s)

- a. Case #638: Amber Dagata, for property located at 2 Alex Way, Map 19 Lot 90, Residential/Agricultural Zoning District.** This is a public hearing whereby the applicant requests a Special Exception from Article V: Supplementary Regulations, Section 5.13: Home Occupations of the Stratham Zoning Ordinance to allow the applicant to conduct a pet sitting and doggie daycare business in her home.

Ms. Lawrence made a motion to accept the application as filed by the applicant. Mr. Dolan seconded the motion. Motion carried unanimously.

Ms. Dagata explained she is requesting a home occupation for an at-home pet sitting business, Monday through Friday, between the hours of 10:00 am- 3:00 pm. Ms. Dagata stated she will be picking up and dropping off the dogs so there would be no traffic coming to her home. The maximum amount of dogs is 10, for smaller dogs. The basement of the home is where the day care will be with sliders out to the vinyl fenced in yard, which is approximately an acre. Ms. Dagata stated she does not allow barking so if a dog in her care was to be a barker, she would not take them as a client. Mr. Federico asked how tall the fence is. Ms. Dagata stated 6 ft. Ms. Lawrence questioned if there is signage. Ms. Dagata stated there will be no signage. Ms. Lawrence asked if the owner has given permission for this use. Chad Coughlin, owner of the property, introduced himself and stated he has given permission for Ms. Dagata to apply for this home occupation. Ms. Lawrence asked for the square foot of the residence, and the basement. Ms. Dagata stated the basement is 1,500 SF but the garage is a 3 car garage and the basement portion is approximately 980 SF. The total finished square footage of the residence is 6,900 SF. Mr. Federico questioned how much of the square footage will be used for this home occupation. Ms. Dagata stated approximately 980 SF. Mr. Federico questioned the plan for letting the dogs outside. Ms. Dagata stated explained they are mostly inside the residence but she will let them all out once an hour for bathroom breaks. Ms. Dagata explained that the dogs are selected to come to the daycare. The dogs come for three visits, as a trial, before they are accepted. Ms. Dagata explained she visited each neighbor that shared a property line to show them the business plan and all sent emails in approval. Mr. Federico questioned how many dogs are intended to maintain at any one time. Ms. Dagata stated a maximum of 10, no overnights, just Monday-Friday in the day time.

Mr. Dolan opened the floor to the public for comment.

Tim Mason, representing Alexander & Susan Rogers at 1 Alex Way, stated he was helping Mr. & Mrs. Rogers out because they were not afforded a visit regarding the project and they were intimidated by the process. Mr. Mason stated he was the developer of Alex Way and built all three houses. Mr. Mason stated there is an area in front of 2 Alex Way and questioned if there is going to be any activity in that space and if there can be a stipulation that no dogs are allowed in front of the house. Mr. Mason stated Mr. & Mrs. Rogers are concerned with a dog escaping the fence and harming their dog. Mr. Mason questioned how this will be policed and who will be in charge of dealing with the noise issues when they occur. Mr. Mason questioned the transportation scenario to pick and return the dogs and explained Alex Way does not have two-way traffic. Mr. Federico stated the owner picks up and drops off the dogs and no customers will be coming to the residence. Susan Rogers, 1 Alex Way, stated she had a different idea when she heard the words "doggie daycare business". Ms. Rogers understood the business to be commercial and it appears to be more of a babysitting business. Ms. Rogers would like to ensure this is not a commercial business with traffic coming and going with a lot of dogs. Mr. Morong stated that unless there are conditions put on the approval he would not be policing other than conditions that the board puts on the approval. Any noise complaints would go to the police for the noise ordinance. Mr. Mason requested the board give the neighbors a vehicle if it becomes problematic. Ms. Dagata stated the front yard is not used for any day care purposes, but if a condition is placed regarding the front yard she requested her dog be void from that condition because it is her property. Ms. Dagata stated all the dogs will be picked up at once, the bus will drive into the garage, the garage door will be closed and then the dogs are brought into the residence and they are never outside of any fenced in area. Ms. Dagata has never had a dog escape a 6 ft. high vinyl fence and the dogs are never unattended. Ms. Dagata stated the middle residence on the road has two dogs which are out

all day and bark, the current noise is not coming from her property. Ms. Dagata stated the hours are 10:00am-3:00 pm during the day and she does not have any dogs that excessively bark. Mr. Coughlin stated holly trees will be going in between their house at 2 Alex Way and the abutter at 4 Alex Way in order to help keep the sound out of their yard. Mr. Federico asked Ms. Rogers if she currently hears the dogs at 4 Alex Way barking all the time and if there has been a problem with the noise. Ms. Rogers stated she spoke with the neighbor regarding the noise. Mr. Mason asked how many dogs are on the property as of today. Ms. Dagata stated three; only on Monday, Wednesday and Fridays. Mr. Dolan questioned the dimensions of the fenced in area once the vinyl fence is put up. Ms. Dagata 15,000 SF or just under 1/3 of an acre. Mr. Coughlin stated they would not have purchased a beautiful home in a beautiful neighborhood to try to diminish the value of the property. Ms. Rogers stated she is not in favor of a doggie daycare in her small neighborhood.

Mr. Dolan closed the public hearing to comments. The board approved unanimously. Mr. Dolan opened the hearing to board comments.

17.8.2.c. Special Exceptions: shall meet the following standards:

- i. Standards provided by this Ordinance for the particular use permitted by special exception;

Ms. Lawrence stated there is a provision that permits a kennel under the zoning board and has been satisfied. Mr. Dolan agreed.

- ii. No hazard to the public or adjacent property on account of potential fire, explosion, or release of toxic materials;

Mr. Dolan stated the requirements for this have been met.

- iii. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, parking area, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;

Ms. Lawrence stated there has been nothing in the record tonight that indicates a detriment to the property values or change in essential characteristics of the neighborhood. There is no signage, no clients or customers will be coming in and out of the property, and there are no new structures other than the fence being placed on the property. The only issue raised tonight is with potential noise. Ms. Lawrence is unsure how to quantify when a certain level of noise is too much other than something that would meet the standards of excessive noise equaling a nuisance pursuant to other sections of the Town of Stratham's Ordinances which are enforcement by the police department. Mr. Dolan agreed that all the other conditions have been met with the possible exception of noise and that can be addressed as a condition of approval.

- 137 iv. No creation of a traffic safety hazard or a substantial increase in the level of traffic
138 congestion in the vicinity;
139

140 Mr. Dolan stated one trip a day in and out with all of the doggie daycare clients is not an
141 excessive increase in traffic load and poses no significant level of safety hazard. Ms.
142 Lawrence agrees and there are no customers coming to the property.
143

- 144 v. No excessive demand on municipal services, including, but not limited to, water, sewer,
145 waste disposal, police and fire protection, and schools;
146

147 Mr. Dolan stated there is no excessive demand on any other services with the possible
148 exception of police if there is a noise complaint which can be addressed with conditions.
149

- 150 vi. No significant increase of storm water runoff onto adjacent property or streets;
151

152 Mr. Dolan stated a fence will not create any additional stormwater runoff.
153

154 17.8.2. d. Special Exception Approvals: may be subject to appropriate conditions including the
155 following:

- 156 i. Front, side, or rear yards in excess of the minimum requirements of this Ordinance;

157 Mr. Dolan stated the fenced in area is sufficient for handling 10 dogs. Mr. Federico and Ms.
158 Lawrence stated the applicant has also indicated they will be putting in additional screening
159 to cut down on any potential noise. Mr. Morong questioned if the board would like to make
160 a condition that there is a fence and a certain area the fence covers.

- 161 ii. Screening of the premises from the street or adjacent property by walls, fences, or other
162 devices;

163 Ms. Lawrence stated the landscaping screening, as proposed, can be put as conditions and
164 the fence as indicated on the application materials. Mr. Morong stated it is easier for him
165 when he inspects home occupations to look at the Notice of Decision for the conditions
166 rather than going back and reviewing the application. Ms. Lawrence stated the fence was
167 described as 100 ft. x 150 ft., roughly 15,000 SF, 6 ft. high vinyl privacy fence extending
168 from the back of the dwelling. Mr. Federico questioned if the applicant had plans of
169 expanding the area. Ms. Dagata stated the fence is the open area of their yard and has no
170 plans of cutting trees to make it larger for the dogs. Ms. Dagata stated Holly Trees are
171 planned to be installed between #2 and #4 Alex Way for more noise protection. Ms.
172 Lawrence stated the fence is sufficient to address the concerns of screening the home
173 occupation. Ms. Lawrence requested a condition to preserve the character of the
174 neighborhood that no exterior fencing be allowed..
175

- 176 iii. Modification of the exterior features or buildings or other structures;

177 Ms. Lawrence requested a condition that no signage be allowed.

- 178 iv. Reasonable limitations on the number of occupants and methods and times of operation;
179 Ms. Lawrence suggested the hours of operation be between 10:00 am-3:00 pm, Monday
180 through Friday only, with a 10 dogs maximum, and no customer drop off or pick up except
181 for a case of emergency.
- 182 v. Grading of the premises for proper drainage;
183 Mr. Dolan stated there is no issue with this, the fence is not going to affect drainage.
- 184 vi. Regulation of design of access drives, sidewalks, and other traffic features;
185 Mr. Dolan stated only one vehicle access for the business is allowed.
- 186 vii. Regulation of the number, size, and lighting of signs more stringent than the requirements of
187 this Ordinance.
188 Mr. Dolan stated the signage is restricted.
189
190 Ms. Ream and Ms. Lawrence spoke about the condition of restricting dogs to the front
191 yard. Ms. Lawrence stated the condition should only refer to the dogs associated with the
192 business. Ms. Lawrence stated there should be a condition that no excessive noise shall
193 be created by the business.

194
195 Mr. Dolan made a motion to close the comment portion of the public hearing and move to a
196 decision. Ms. Lawrence seconded the motion. Motion carried unanimously.
197

198 Ms. Lawrence made a motion to GRANT the Special Exception request from Article 5,
199 Section 5.1 Home Occupations of the Stratham Zoning Ordinance in Case #638 by Amber
200 Dagata to allow a doggie daycare/kennel business at 2 Alex Way, Map 19 Lot 90, and said
201 Special Exception be GRANTED with the following conditions:
202

- 203 1. A 6 ft., vinyl white privacy fencing be installed in an area enclosing approximately 15,000
204 sq.ft. extending from the dwelling.
- 205 2. No exterior signage relative to the business on the property.
- 206 3. Hours of operation shall be limited to the hours of 10:00 am-3:00 pm, Monday through
207 Friday only.
- 208 4. A maximum of 10 dogs at any time in the business.
- 209 5. No customer pickup or drop off of dogs unless an emergency situation arises.
- 210 6. Customer's dogs may only be allowed in the enclosed fenced area in the yard or in the
211 basement of the dwelling.
- 212 7. No excessive noise shall be generated by the business.

213
214 Mr. Dolan seconded the motion. Motion carried unanimously.
215

216 Mr. Dolan stated the applicant has 30 days to appeal and anything work done prior to the 30 day
217 appeal period is complete is done at the applicant's risk.
218
219
220

221
222 **4) Miscellaneous.**
223

- 224 a. Election of new Chairperson for the Zoning Board of Adjustment.
225

226 Ms. Lawrence nominated Gary Dolan to be the new Zoning Board of Adjustment Chairman. Ms.
227 Ream seconded the nomination. Mr. Dolan accepted the nomination to be the next Zoning Board
228 of Adjustment Chairman for the year 2018. Vote carried unanimously.
229

230 Mr. Dolan nominated Diedre Lawrence to be the new Zoning Board of Adjustment Vice
231 Chairperson. Mr. Federico seconded the nomination. Ms. Lawrence accepted the nomination to
232 be the next Zoning Board of Adjustment Vice Chairperson for the year 2018. Vote carried
233 unanimously.
234

- 235 b. Discussion of rescheduling or deleting the meeting of December 25, 2018 from the Schedule of
236 Regular Board Meetings
237

238 Mr. Dolan made a motion to cancel the December 25, 2018 meeting from the Schedule of Regular
239 Board Meetings with no rescheduling. Mr. Federico seconded the motion. Motion carried
240 unanimously.
241

242 **5) Adjournment**
243

244 Mr. Dolan made a motion to adjourn at 8:32 pm. Mr. Federico seconded the motion. Motion
245 carried unanimously.