

TOWN OF JAFFREY NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
March 3, 2020

Present: Chairman Sawyer, Members Cournoyer, Durand, Webber and Tieger

Staff: Recording Secretary Newton, Code Enforcement Officer Deschenes

MEETING MINUTES APPROVAL

On a motion by Tieger, seconded by Cournoyer the minutes for the **February 4, 2020** meeting were approved as presented. (5-0-0)

PUBLIC HEARING

Chairman Sawyer called the public hearing to order at 6:00 pm. Notice of hearing for case No. ZBA 20-03 & ZBA 20-04 as advertised in the *Monadnock Ledger* copies were posted in the Town Office building, the Library and the town website; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen; and notice of hearing was sent by certified mail to all abutters whose names were provided by the applicant.

Public Hearing: New Items

1. ZBA 20-03, Tom & Lori Connolly, Owners
276 Proctor Rd., Map 236 / Lot 4 Zone: Rural, without town water

Special Exception – The applicant requests a special exception to allow a home-based business in the rural district. (Land Use Code, Zoning Ordinance Section V, 17.2)

Special Exception – The applicant requests a special exception to allow a commercial kennel in the rural district. (Land Use Code, Zoning Ordinance Section V, 3.4)

Presentation: Lori Connolly

The Connollys are breeders of Pomskies, a cross between a Siberian Husky and a Pomeranian. The In 2013 the owners began a very small-scale breeding business. It was determined at that time they did not meet the threshold to be considered a home-based business and fell well below the guidelines of the State to be considered a “pet vendor.” By 2018 the business began more serious breeding. The State of NH recently changed the law regarding pet vendors requiring any entity that transfers 25 or more dogs (reduced from 50 or more) in a year to be properly licensed. In order to receive this license, the pet vendor must submit a letter from the Town stating that they comply with all zoning ordinances.

Due to the change in State law, the Building Inspector felt it would be prudent to request two special exceptions, one to allow a home-based business, now that the business has expanded, and one to allow a “commercial kennel.” The land use code does not speak specifically to breeding or pet vendors but by definition, a commercial kennel is *an establishment for the breeding or boarding of dogs or cats*.

The dogs reside with the owners and sleep in the finished basement of the house and not outside. The Connollys feel this would have very little impact on the neighbors as the house is not visible from the road. In addition, they own the abutting parcel to the rear for a total of 11 +/- AC of land. The plan is to replace some snow fencing with more permanent fencing on the property, primarily to keep the male and female dogs separated. There is no commercial boarding, grooming or outside kennels on the property.

Kenneth Liebman, abutter has concerns pertaining to the definition of “commercial kennel” which refer to boarding and grooming. Would the board consider changing the wording from *commercial kennel* to *breeder* or put

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conditions on the special exception. Can the SE apply specifically to the owner. After speaking to Mrs. Connolly, he does not believe they intend to board dogs or offer grooming services. Mr. Liebman and Mrs. Connolly have put together mutually agreeable conditions of approval for the SE. Mr. Liebman asked, as a dog breeder and not a commercial kennel can she be approved just as a home business, is it necessary to include the approval for the commercial kennel.

Lynn Lambert, neighbor, approves of the use as a home business but was concerned about the SE for a commercial kennel going to a future owner.

Heidi Bourgeois, resident asked can the wording be changed from commercial kennel to pet vendor. Member Tieger responded that a change of that nature would be done through the Planning Board.

On a **motion** by Cournoyer, seconded by Webber to waive the site visit. (5-0-0)

Chairman Sawyer closed the public hearing.

1. ZBA 20-04, Monadnock Kitty Rescue & Adoption, Applicant, BLG LLC, Owner
11 Plantation Dr., Map 244 / Lot 28 Zone: Industrial, with town water

Variance – The applicant requests a variance to construct a cat patio (“catio”) and install a fire exit within the property line setback (Land Use Code, Zoning Ordinance Section VI, 6.1)

Presentation: Heidi Bourgeois

In order to comply with life safety requirements Kitty Rescue needs to install a fire escape to provide secondary egress from the second story of the building. The fire escape would be constructed at the back of the building. A very small portion of the project would fall within the property line setback. In addition, they wish to construct a two-story outdoor cat patio space, a.k.a. “catios” and add some storage area in that area. These catios would enable to cats to have a better quality of life, enjoying the outdoors while still being contained. Chairman Sawyer noted the project would only encroach two feet into the setback.

Member Tieger asked about a buffer between this building and the Somero building. Ms. Bourgeois responded that there is a heavy vegetative buffer.

On a **motion** by Tieger, seconded by Durand to waive the site visit. (5-0-0)

Chairman Sawyer closed the public hearing.

DECISIONS

1. ZBA 20-03, Tom & Lori Connolly, Owners
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Special Exception – The applicant requests a special exception to allow a home-based business in the rural district. (Land Use Code, Zoning Ordinance Section V, 17.2)

Special Exception – The applicant requests a special exception to allow a commercial kennel in the rural district. (Land Use Code, Zoning Ordinance Section V, 3.4)

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On a **motion** by Durand, seconded by Tieger to approve the special exception to allow a home-based business in the rural district as presented per testimony given. (5-0-0)

On a **motion** by Webber, seconded by Tieger to approve the special exception to allow a commercial kennel in the rural district as presented per testimony given subject to the following conditions. (5-0-0)

1. No kennels or boarding of dogs outside.
 2. No commercial dog day care.
 3. No commercial grooming services.
 4. The Special Exceptions is personal to the applicant.
 5. The commercial kennel operation is limited to the breeding of dogs.
2. ZBA 20-04, Monadnock Kitty Rescue & Adoption, Applicant, BLG LLC, Owner
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Variance – The applicant requests a variance to construct a cat patio (“catio”) and install a fire exit within the property line setback (Land Use Code, Zoning Ordinance Section VI, 6.1)

On a **motion** by Durand, seconded by Webber to approve the variance to construct a cat patio (“catio”) and install a fire exit within the property line setback as presented per testimony given. (5-0-0)

Decisions of the Zoning Board of Adjustment are subject to a 30-day appeal period for rehearing.

OTHER BUSINESS

Member Tieger suggests beginning the meeting with the Pledge of Allegiance. All members are in favor.

ADJOURNMENT

The meeting adjourned at 7:10 pm
Submitted:



Rebecca Newton
Recording Secretary

Attest:



Lee A. Sawyer
Chairman, Jaffrey ZBA