

Town of Farmington
Zoning Board of Adjustment Meeting Minutes
Thursday, March 1, 2018

Board Members Present:

Elmer Barron, Chairman
John Aylard, Vice Chairman
Elise Haig, Alternate
Joe Pitre
Bill Fisher, Alternate

Board Members Absent:

Joanne Shomphe, Secretary
Warren Morgan

Others Present:

Dan DeSantis, Town Planner
Jonathan and Courtney Cardinal

PUBLIC HEARING 7:00 P.M.

BUSINESS BEFORE THE BOARD:

Call to Order:

Chairman Barron called the meeting to order at 7 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Seat Alternates:

Chairman Barron asked Ms. Haig and Mr. Fisher to be seated with the absence of Ms. Shomphe and the vacant seat.

Review of Meeting Minutes:

December 7, 2017- No errors or omissions

Motion: (Pitre, second Fisher) to approve the minutes as written passed 5-0.

NEW CASES:

Application by Jonathan and Courtney Cardinal for a Special Exception. Article 2, Table of Permitted Uses VI (A) Commercial & Industrial: "Dog Kennel" to allow a dog kennel (small breeder) on the property. Property located at 85 Great Pine Circle (Map R18, Lot 10); Rural Residential District.

Chairman Barron recused himself from the board as he has conducted business with the applicants for many years.

Vice Chairman Aylard took over as Chair of the hearing.

Mrs. Cardinal told the board they were seeking a Special Exception to become a small breeder of Labradoodle dogs. She said they are looking to breed 2-3 dogs in a year but that it will take a few years to get established.

She said they plan to breed the dogs in their home which is located on a very private fenced-in

lot surrounded by dense woods and the dogs will not be allowed outside unless they are home. Mrs. Cardinal said when the puppies are 8 weeks old they will go home with their new owners. The puppies will be checked by a veterinarian and will also be temperament tested she said. She said they will pick the homes that the dogs go into and are very “choosy” about placement of the puppies into responsible homes. She said they have a Labradoodle and noted that they are great with children and are wonderful pets. She added that even though they would be categorized as a kennel they will not run it like a kennel as the dogs will be in their home with their children.

Mrs. Cardinal said they will work with a breeder who will mentor them in breeding the dogs and they plan to become members of the Australian Labradoodle Association of America which has high standards and a strict Code of Ethics to become a certified member of the association.

Mr. DeSantis said Mr. and Mrs. Cardinal did their homework and presented him with a well thought out proposal. He said they answered all of the questions so thoroughly that he felt it wasn't necessary for him to provide a memo to the board.

He suggested that the applicants respond to the questions showing how the proposal meets the Special Exception criteria found on Page 41, Section 2.03 and 2.03 C of the Zoning Ordinances.

Mrs. Cardinal said they will comply with and meet all of the Special Exception criteria as stated in the Farmington Zoning Ordinances as follows:

- 1). No hazard shall be created to the public or adjacent property on account of potential fire explosion or release of toxic materials.

Mrs. Cardinal said there will be no fire, potential for explosion or toxic materials with this use.

- 2). No detriment to property values shall be created in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment or other materials.

Mrs. Cardinal said the proposed use will not harm any property values, there will be no additional structures or changes made to existing structures and no addition of any signs. She said that the property is located in such a private area that she did not think abutters would be able to hear the puppies when they are outside and that she does not tolerate barking dogs. She added the puppies would not be outside often due to the need for perfect weather conditions and they would not be outside alone due to the presence of coyotes in the area.

- 3). No traffic hazard or substantial increase in the level of traffic congestion shall be created.

Mrs. Cardinal said the use will not create a substantial amount of traffic. Breeding 2-3 dogs will result in 6-8 puppies each for about 24 puppies in the course of a year. Not all of the potential owners will be allowed to visit the puppies due to the potential to spread the parvovirus to the puppies. She estimated that it may be about 1 car a week coming to their home to visit/pick up

the puppies.

Mr. Cardinal said if there are 8 puppies that not all 8 of the potential new owners would visit or pickup puppies at the same time and traffic will be mostly non-existent.

4). No excessive demand on municipal services including but not limited to water, sewer, waste disposal, Police and Fire protection and schools.

Mrs. Cardinal said they have a private well and septic system on their property.

5). No significant increase of storm water runoff onto adjacent property or streets shall be created.

Mrs. Cardinal said there will be no water runoff from their property.

Mr. Cardinal said if the Special Exception is granted their next step is to go before the Planning Board for their Site Plan review.

There were no questions or concerns raised by the audience members.

Mr. Fisher gave Mrs. Cardinal some printed information regarding state licensing information for dog breeders.

Mr. DeSantis said the proposed use must meet the Special Exception General Standards (Section 2.0 (E), Page 33) as well as the Rural Residential District criteria (Section 2.03 (C) Page 41). He said in his opinion the proposal meets all of the requirements.

Mr. Pitre read the standards found in Section 2.0 (E).

Vice Chairman Aylard asked what the applicants intended to do with the dog waste.

Mrs. Cardinal said they would dispose of it in the trash or let the material decompose naturally in the woods.

Mr. Cardinal said he also has access to waste disposal where he works.

Mr. Aylard asked if they planned to put up a sign that includes the business name or hours.

Mrs. Cardinal said there will be no regular hours of operation and visitation will be by appointment only so there is no need for a sign.

Mr. Cardinal said they also did not want people who are randomly driving by to decide to drop in at their home. He said people with appointments will be given directions to the property.

There were no other questions or concerns from the board.

Motion: (Pitre, second Fisher) to grant the Special Exception as is with no restrictions passed 4-0.

Chairman Barron rejoined the board.

Any Other Business before the Board:

New Committee to Meet- Mr. DeSantis said the first meeting of the PLAN NH Steering Committee will be held on Monday, March 5 at 6:30 p.m. He said the Town received a \$25,000 grant to plan for the redevelopment of the old Fire Station lot and the committee will help guide the town through the process. He encouraged all residents to attend the meetings.

Special Exception Forms- Chairman Barron said the application just reviewed by the board seems to be a different application than what has been used recently. He asked if this was a

new form or an outdated form mistakenly pulled from the files.

Mr. DeSantis said he did not know and that was the form that the Planning Dept. Secretary gave him.

Chairman Barron said the form used for this hearing does not have all of the criteria listed on it and listing the criteria/questions makes it easier for the board to address each of them and for the applicant to know what information should be included on the forms. He added that it would also stand up better legally.

Mr. DeSantis said he would check into the matter and report back at their next meeting.

Mr. Fisher said he pointed out to Selectmen when they cut the Planner's hours to 26 that his hours need to remain at 30 because there are still things that need to be caught up on such as the forms that are being passed out to the public. Unfortunately the Selectmen didn't agree with me and are maintaining his hours at 26 hours he said.

Chairman Barron said that some day when the Town ends up in court and has to spend \$100,000 in legal fees because the wrong form was used then maybe they'll suddenly understand.

Adjournment:

Motion: (Aylard, second Pitre) to adjourn the meeting passed 5-0 at 7:35 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Elmer Barron, Chairman