

**UNAPPROVED MINUTES  
Town of Auburn  
Zoning Board of Adjustment  
October 22, 2019**

**Present:** Mark Wright, Chairman. Mike DiPietro, Vice-Chairman. Kevin Stuart, Stephen Carroll & Dennis Vieira, Members of the Board. Dale Phillips & Shawn Matte, Alternate Members. Minutes prepared by Denise Royce.

**Absent:** None.

Mr. Wright called the meeting to order at 7:00 p.m.

Mr. Wright began by explaining tonight's procedures and then moved on to introduce all the members of the Board. Mr. Wright indicated that there was only one case to be heard tonight and noted that there were no abutters present. Mr. Wright also pointed out that, all five (5) members of the Zoning Board were present tonight so there was no need to elevate any of the alternates. Although, alternates and members are treated alike and can ask questions and make comments regarding the case at any time but only the five (5) members will vote on the case.

With that said, Mr. Wright asked Ms. Royce to read the first case into the minutes for the record.

**Case #19-22  
David & Duffy Smiley  
9 Auburndale Lane – Tax Map 10, Lot 24  
Zoned Commercial Two**

*Applicant is requesting a Variance to allow a small dog/cat/pet boarding facility within a Commercial Two zone. Article 3, Section 3.01 – Uses Not Defined)*

Mr. Wright again informed everyone that there were no abutters present for the record as Mr. and Mrs. Smiley were the only one's present. At this time, Mr. Wright asked Mrs. Smiley to read Mrs. Smiley her application. read her application into the minutes for the record and then asked the Board members if they had any questions.

Mr. Wright indicated that, the Board should have received a package regarding this case from Ms. Royce. The Board acknowledge receipt. Mr. Wright also informed the Board that Mrs. Rouleau-Cote, Building Inspector for the Town of Auburn was not present tonight but that she did prepare a Zoning Determination for the Board of which they have all received a copy of.

Mr. Wright asked Mr. Smiley if it was just dogs. Mr. Smiley stated that it would be dogs and cats. Mr. Wright asked how long they would be having these animals longer than 24 hours. Mr. Smiley explained that, one of his clients just recently retired from having a dog

boarding facility in Chester and she knew that they were interested in expanding their business and therefore suggested that they take over her clientele. Mr. Smiley further stated that, it would be while people go away on weekends or go away on vacations for the week. Mrs. Smiley wanted to clarify that, they are purchasing a facility in Londonderry and moving the Veterinary Clinic there because they are expanding as their son is graduating in a year from Veterinary school and joining the practice so they are moving their practice to Londonderry and so they wanted to do something with the building that they have here in Auburn. It will no longer be a Veterinary facility but just a Boarding facility. Mr. Wright asked if they would be having pets there for more than 24 hours. Mr. Wright thought they were going to be a Veterinary clinic and they would have animals there for one day. Mrs. Smiley stated yes it would be overnight, a weekend or a week which would be basically an overnight boarding facility.

A discussion ensued with regard to a kennel. Mrs. Smiley indicated that it would not be a kennel as they would not be breeding dogs but just boarding them overnight. Mr. Stuart asked if it would be something like the Barking Dog. Mrs. Smiley said yes but not that large of a facility. Mr. Smiley added that it would be very small scale and would not be 50 or 100 dogs running around but a smaller simpler type of facility. A brief discussion ensued. Mrs. Smiley also pointed out that, they would like to utilize their field for different types of play areas. Mrs. Smiley further added that, Mr. Smiley would be doing the Vet stuff and she would be doing the dog stuff. Mrs. Smiley believed it would be maybe 10 to 15 dogs at a time maximum. Mrs. Smiley also mentioned that she had photos to show the Board members with regard to the property and the proposed location of the field. The Board reviewed the photographs of the property.

Mr. Vieira asked how many separate areas would they have. Mr. Smiley stated that they would have a maximum of 10 runs inside and if some people have two (2) dogs then they would go in one run and they would have a covered outside area for parts of the day. Mrs. Smiley stated that they would not be out at night. Mr. and Mrs. Smiley also indicated that there was basically only one neighbor that was close to them and they wanted to be considerate of them as well. Mrs. Phillips acknowledged that there was nothing around them except for one direct abutter. Mrs. Smiley stated that, she had spoken with Mr. O'Neil of Manchester Water Works and thought he would be here tonight. Mr. Carroll commented that, they weren't building a new building but just renovating the existing building correct. Mr. Smiley said yes. A brief discussion ensued with regard to the boarding facility. Mr. Carroll believed that this would trigger a site plan review and they would still have to go through the state process as well. Mr. Carroll was just trying to get it clarified that they were just asking for a Variance because we do not have an ordinance for a kennel per se correct. Mr. DiPietro agreed and stated that, that was his impression and that they were just here to decipher if that use was allowable and if it meets the five (5) factors.

At this time, the Board reviewed the conceptual site plan drawn up by Mr. Smiley and to be finalized by Mr. Franklin who did the original site plan when they did the Veterinary Clinic. Mr. Wright commented that, the Board has had a chance to review the plan along with the photographs of the property and everyone should have a pretty good sense of

what is proposed. Mr. Wright asked the Board members if they had any additional questions for the applicant. Mr. Stuart again reiterated what Mr. Carroll said previously about this would trigger a site plan review with the Planning Board. Mrs. Smiley said yes, and that they were going to have Mr. Franklin redo the site plan for the Boarding facility. Mr. Wright indicated that it was a Commercial Two zone and it was a Commercial business and believed that it was a use not defined and that the area was ideal for this type of business. With that said, Mr. Wright commented that they would have to go through site plan review if the Board were to approve this tonight and would be asked the number of animals, hours of operation, number of employees, parking, lighting, when animals have to be in or out and signage. They would have to go through the Planning Board process for minimal impact to abutters. Mr. Wright went on to say that, Mrs. Rouleau-Cote is right on this and that they would have to go through state regulations and believed that this seemed pretty straight forward and did not believe they would need to go into deliberation.

***Mr. Vieira made a motion to vote on the Variance application as presented for a small-scale dog/cat/pet boarding facility conditioned upon site plan review with the Planning Board, septic system and compliance with all local and state regulations and building codes for 9 Auburndale Lane, Tax Map 10, Lot 24, for Case #19-22. Seconded by Mr. DiPietro. Mr. Vieira voted to grant as he believed all five (5) factors have been met, Mr. Carroll voted to grant as he believed all five (5) factors have been met, Mr. Stuart voted to grant as he believed all five (5) factors have been met, Mr. DiPietro voted to grant as he believed all five (5) factors have been met, and, Mr. Wright also voted to grant as he also believes that all five (5) factors for the Variance request have been met. A vote was taken and, all were in favor and the motion passed.***

Mr. Wright explained that there was a 30-day appeal period. Mr. Wright indicated that, they were all set as far as the Zoning Board and that the next step would be to go before the Planning Board and that they had two (2) years to commence activities.

Mr. and Mrs. Smiley thanked the Board for their time and exited the meeting. Mr. Wright moved on to the approval of the minutes of the last meeting which was held on Tuesday, September 24, 2019.

## **Minutes**

***Mr. Stuart made a motion to accept the minutes of September 24, 2019 as written, seconded by Mr. Carroll. All were in favor, and the motion passed.***

## **Other Business**

Mr. Wright informed the Board that, next month the meeting is scheduled for the third week of November due to the Thanksgiving holiday and will be held on November 19th.

Mr. Wright informed the Board that he would not be available for the November hearing but that Mr. DiPietro would be chairing that meeting. Mr. Wright asked Ms. Royce if there were any applications. Ms. Royce stated that there were no applications at this time but the deadline was Monday, October 28th.

Mr. Wright asked if there was any new business. None noted.

Mr. Wright thanked the Board and asked for a motion to adjourn.

## **Adjourn**

***Mr. Stuart made a motion to adjourn, seconded by Mr. Carroll. All were in favor, the motion passed unanimously, and the meeting stood adjourned at 7.29 p.m.***

**The Zoning Board of Adjustment is scheduled for Tuesday, November 19, 2019 at 7:00 pm and will be held at the Town Hall, 47 Chester Road unless otherwise noted on the upcoming Agenda.**