

## **BOARD OF ADJUSTMENT**

**July 11, 2023**

## **MEMORIAL BUILDING**

**7:00 P.M.**

Zoning Members present: Tanner Jacques, Rob Thorp, Luke Gorman, Cody Patten and Steve Dzubak

Also present: Matthew Ruppel, Ken Meier, Davina and Henry Szmyt, Audrius Kazenas, Sheridan Brown, Judi Shank, Gene Hayes, Susan Isbell, Wayne Smith, Pamela Laurie, Christine White, Judy Gurka, Steve Rutledge, Aileen Rutledge, Amy Lewis and Christine Johnston

7:00 pm Tanner called the meeting to order asked Board members to introduce themselves. He then asked if there were comments or corrections of the June 6<sup>th</sup> minutes. Luke moved to accept the minutes as written Steve seconded Board approved unanimously.

7:05 pm Tanner opened the hearing for a Special Exception request by Matthew Ruppel and Greg Aucoin to place a hot tub 27' from the lake and within the 35' setback from the east property boundary. The property is located at 15 Sandy Beach Rd Tax Map 23, Lot 588-242. Finding no items missing from the application Luke moved to accept Steve seconded Board approved acceptance. The hot tub is 27' from the lake and 15' from the east property line. The gravel pad located right up against the home has received approval from the State of NH and has been laid. There will be no further development of the lot. Having no further questions Luke moved to close the hearing Steve seconded Board agreed.

Tanner stated he had no issues, and the location is the best location on this lot. Steve made a motion to grant 73' of relief from the 100' set back from the lake and 20' of relief from the east property boundary. Rob seconded Board approved unanimously.

7:13 pm Tanner opened the hearing for a Variance request by Ken Meier to construct a 24'x26' garage within the 35' setback from the property boundary. The property is located at 200 Oak Hill Rd West Tax Map 7, Lot 757-445. Finding no items missing from the application Luke moved to accept Steve seconded Board approved acceptance. The current desired location is 10' from the septic if it is turned it would be closer to not only the septic but also the property boundary, involve additional fill, and a retaining wall all of which would add additional expenses.

Tanner asked if any abutters were present, Mr. and Mrs. Szmyt were recognized. Mrs. Szmyt expressed concern that she would be able to see the garage and adding it would increase the water runoff. There are currently 21 springs on her property. Mrs. Szmyt also stated that her son originally owned the property and the house he was going to build was supposed to be with a garage under.

Board determined they did not have enough knowledge of the site to make a decision and scheduled a site visit for Thursday July 20<sup>th</sup> at 5:30pm

Luke moved to continue the hearing to August 1<sup>st</sup> Steve seconded Board approved unanimously.

7:30 pm Tanner re-opened the continuation of an application by Sue-Ann, Audrius Kazenas, and Select Shepherds, LLC for a Special Exception to use their property as a location from which to sell dogs and offer one-on-one and small group dog training classes. The property is located at 373 Hogg Hill Rd in the Rural Residential Zone. Tax Map #10 Lot 098-189

Tanner shared that the Board did not feel there was a need for Mr. Bodwell to return, the information he supplied was sufficient. Each member of the Board shared their feelings with him individually not as a group discussion prior to the meeting.

Tanner asked Mr. Kazenas what a typical training session looks like. Mr. Kazenas responded saying a single handler and dog work through different commands, forward, backward, left and right movement, start, stop, differing speeds. Agility type equipment is used all working to ensure the dog is focused on only the handler and no outside distractions. Initial training begins indoors as the training increases, the environment is changed, and outside/additional potential distractions are introduced by moving the training to parking lots, trails, bridges, parks and other areas in Grantham. Distractions such as other dogs, people, cars, birds among other things. The size of training groups is limited to 2-3. Training begins around age 6-7 months, very limited at the puppy stage. Steve asked how often is off site training done? Mr. Kazenas was asked if the space they use in Grantham is rented to which he responded, yes. Also, asked if people come to the house to view/pick from the available puppies/dogs to which Mr. Kazenas responded, no. All visits are done at the Grantham location so as to limit exposure to germs/diseases, all surfaces are cleaned prior to and after visits to protect the puppies from exposure. Mr. Kazenas was asked how many litters per year they have, to which he responded 1-2. Luke asked what the average number of puppies per litter, Mr. Kazenas stated anywhere between 3-12 there could be 1 or there could be 12.

Tanner opened up to public comments from the audience to which Attorney Brown stated he would be recording that portion of the meeting in case there were items to follow up on.

Judy Shank 457 Hogg Hill Rd asked if there is a facility in Grantham why do the Kazenas' need to come back to Springfield? Has many people pull into her driveway asking "Where the lady with the German shepherds is? Or "Where the German shepherd house is?" If the Kazenas' are not allowing people to come to the house, why is she getting people asking where the house is. She can hear the dogs barking when she is in her garage, and she is not a direct abutter. Is training done off leash? Very concerned because of the number of children now living on the road and she is scared to walk along the road if the dogs are out.

Gene Hayes 1260 Hogg Hill Rd 27 new homes since he moved in when there were only 9 on Hogg Hill Rd. 14 new homes there were only 3 on Stoney Brook when he moved in. Everyone moved to the area because it was rural residential, and they were looking for a quiet area. 25% of the tax revenue comes from that area so this request should be denied.

Wayne Smith Andover Who monitors the activity if this is approved? Who enforces if this is approved? This has been going on a long time, why hasn't the Select Board done anything?

Tanner responded that what is before the Board is a request to operate a business within the rural residential district which is what all of Springfield is zoned. If the request is approved the next step is to go before the Planning Board to obtain an approved Site Plan which will outline any and all conditions which could be placed upon the business activity. The job of the Board is to work with both the applicants and the neighborhood.

Gene Hayes the Board must do a site visit because not all members have been to the site. Negotiations will not happen from the abutters. He is not able to get out of his truck for fear of the dogs. There are 15 animals outside.

Pamela Laurie, asked about the 5 criteria that must be met to gain approval. She has lost her peace, which is a given right in a residential area here in New Hampshire. There was another kennel in the neighborhood many years ago. There are other areas that businesses can be located in town. Georges

Mills Rd., State Route 4A. Tanner responded that there are 5 criteria that must be met to grant approval. All of Springfield is zoned rural residential there are no commercial areas of town which means anyone wanting to have a business must apply for and be granted a Special Exception.

Gene Hayes: there is an indoor kennel in the rural residential zone on the other side of town.

Judi Shank: had no knowledge of another kennel in the area.

Gene Hayes: there does not seem to be a very well laid out plan. To which Tanner responded to stating that there is a plan, and it is that the applicant does not intend to expand beyond 13 dogs, offering 1-3 dog training sessions 1-2 times per week.

Judi Shank: how many trainings per day could be one from 9-10, one from 11-12, one from 1-2, one from 3-4? Mr. Kazenas responded one training session 2x a week.

Christine White: the previous kennel was operated by an old woman who raised golden retriever show dogs, she had 2 litters per year and each puppy was spoken for prior to birth, she did do outdoor activities with the dogs. The property has since been sold due to the woman and her husband have both passed.

Mr. Szmyt asked the Board about rural residential uses and if the size of the lot has an impact on the activity and how the businesses are run. Tanner explained that there are different levels of business classifications within the town zoning ordinance. Home occupation, home business and commercial, the activity currently being discussed is a commercial type.

Gene Hayes: another thing the Board needs to see if the applicant wants to get a "Pet Vendor" certificate from the State. Originally the activity was called a "hobby", if they want a certificate, it isn't a hobby any longer.

Attorney Sheridan described what a Pet Vendor certificate is. A license is required in NH when someone transfers 25 or more dogs whether or not a physical facility is owned by the licensee in NH. Tanner added that in order to receive this certificate/license compliance with all town ordinances must be followed.

Gene Hayes: reiterated that a site visit is needed. Tanner agreed, Rob Thorp stated it wouldn't hurt.

Gene Hayes: does this mean that anyone anywhere can now open up a kennel anywhere regardless? Tanner responded, "Not really there are steps that need to be followed including getting an approved special exception and an approved site plan".

Judi Shank: stated she has nothing again Mrs. Kazenas.

8:15 Tanner requested a session with Counsel for the Board.

8:30 Board returned from session

Tanner stated that a site visit would be beneficial for the 3 members of the Board that have not been to the location. Times and dates would be determined by schedules between Attorney Brown and Attorney Johnston.

Attorney Brown asked if Mr. Bodwell should be at the site visits, he would be available to give noise readings at abutting properties, to which Tanner responded that he did not feel that to be necessary, the Board agreed.

Gene Hayes: encouraged the Board to visit the neighborhood.

Luke moved to continue the meeting to August 1<sup>st</sup> at 7:05pm and adjourn the meeting at 8:15pm Steve seconded Board accepted.

Respectfully submitted,

Tamara Butcher