

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
March 13, 2023**

DATE APPROVED: 04/10/23

TIME: 7:00 p.m. – 10:50 p.m.

CHAIRPERSON: Roger Racette

VICE CHAIRPERSON: Russell Galpin

MEMBERS: Lucy Pivonka, John Segedy, Meg Curtis-Sauer

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Mark Bodanza, Keith Cobbett

EXCUSED

Public Present: Cindy Chandler, Steve Chandler, Amy Mellinger, Gary Mellinger, Taylor Mellinger, Carol Pontious, Jeremiah Sundstrom, Kenneth Matthews, Ed Sauer, John Hammond, Marianne Hammond, Susan Wong, Kaley Michelle, Jerry Mercier, Sonya Lyn, Robert and Kathleen Mihalko, Harrison Glaude, Stephen Eckberg, Peter Eckberg, Melanie Dillon, Brett Taber, Richard Head, James McDonough, Rob Dillon

CALL TO ORDER:

Pledge of Allegiance

John Segedy made a motion to postpone the approval of the minutes to after the public hearings. Russ Galpin seconded the motion. The motion carried unanimously.

Public Hearing

Variance

Melody Lane (Map 13 Lot 1)
Harrison Glaude

Lucy Pivonka made a motion to move this hearing to the beginning of the meeting. Keith Cobbett seconded the motion. The motion carried with Russ Galpin voting no.

Russ Galpin said he needed to recuse himself from this hearing.

Roger Racette invited Meg Curtis to resume her seat on the Board for this hearing.

Lucy Pivonka made a motion to hold a site visit. Meg Curtis seconded the motion. The motion carried unanimously.

Roger Racette made a motion to schedule the site walk on Saturday March 18th at 9:00 am. Lucy Pivonka seconded the motion. The motion carried unanimously.

Roger Racette made a motion to schedule the public hearing on the variance application on Monday March 27th at the Town Offices at 7:00 pm. The motion carried unanimously.

Russ Galpin returned to the Board. Roger Racette appointed Keith Cobbett to sit in place of Meg Curtis who has a conflict of interest on the Special Exception application.

Special Exception

Windsor Road (Map 7 Lot 9)

Gary Mellinger on behalf of Cody Coppola and Andrea Comeau

Robyn Payson read the public notice.

Roger Racette read the rules of the public hearing.

Roger Racette acknowledged letters received about the application. (See attached letters). The letters primarily addressed concerns about barking, traffic on the road, future uses of the property, smells, effect on wildlife corridors, and that the use was out of character with the neighborhood.

Roger Racette asked Mr. Mellinger to present the application.

Mr. Mellinger said they were looking to build a residence with a home-based business attached to it. The use is a home boarding dog kennel facility. The initial plan is to build the house that will lead to an office, two whelping rooms and a grooming room. That area will lead to an indoor dog play area which will lead to the kennel area, that will lead to a 25'x25' outdoor dog play area. He said they were looking to locate the kennel 300-500 feet off of Windsor Road.

Mr. Mellinger reviewed his handout for responses to the letters received. (See attached letters) Part of the document submitted showed a map of the proposed building location. There was discussion about breeding dogs. Mr. Mellinger said they had two dogs they would be breeding once a year.

Mr. Mellinger introduced his daughter Taylor Mellinger who will be living in the house where the kennel will be located. She is the one who knows the most about breeding and care of the dogs.

Mr. Mellinger described the outside dog play area they will have artificial grass that is specifically designed for dogs and pea gravel. There will be a dog waste specific septic system, it will not go into the main septic system that they have. There will be several doggie pools which are kiddie pools that might be bought at Walmart. The outside area will be contained by a chain link fence built into a concrete foundation. He said he modified the shrub area for sound abatement so they will be building an earth berm on the outside of the fence, and they are going to be growing bamboo in that area.

Mr. Mellinger stated that when the dogs are in the play yard sound will be mitigated by the berm and bamboo which will be the height of the fenced in area as sound abatement. The earth berm will be as high as the fence with bamboo on top of it. (See attached hand out for further details.)

Roger Racette asked about when the dogs would be outside.

There was discussion about the letters from Londonderry that Mr. Mellinger submitted that support his kennel in Londonderry. (See attached)

There was discussion about the packet of letters.

There was discussion about the enforcement action by Londonderry about the number of dogs on site. They found that they couldn't have a kennel on their property because it was zoned "Residential".

Roger Racette asked Mr. Mellinger to summarize the letters from the neighbors in Londonderry which were about the positive experiences they had with the dogs being cared for by the Mellinger's.

Lucy Pivonka asked about the enforcement action against the Mellinger's.

Mr. Mellinger said that was for having too many dogs, which they were unaware of. He also had been registering the business as a kennel and that was not allowed in the residential zone in Londonderry.

Taylor Mellinger summarized the letters that were supportive of the Mellinger's kennel in Londonderry, and Mr. Mellinger read the letters. (See attached)

Mr. Mellinger went through the rest of his presentation. He described the plan for the two homes with the kennel attached to one of them. The remainder of the property will be in Current Use.

John Segedy asked if they would agree to a condition that the lot could not be further subdivided beyond the two lots.

Mr. Mellinger said he would not. He said they were planning on using 2-3 acres of the 21 for their living space.

Roger Racette asked Mr. Mellinger to go through his application and answer the criteria. (See attached)

Mr. Mellinger said he wanted to address some of the statements in the letters against the application that were not true. Someone said there would be two or more lots, the fact was that there would be only two lots with 2-3 acres for each lot the remainder (15-17 acres) will remain in Current Use.

John Segedy said leaving the land in Current Use does not prohibit subdivision at some future date.

Mr. Mellinger said that the initial plan for this property was to subdivide it in to five lots.

Roger Racette asked why they would be addressing future plans.

John Segedy said the implication he is making is that this will be in Current Use and this will not be developed, and that is not necessarily true.

Keith Cobbett said Mr. Mellinger isn't testifying on what is going to be done in the future he is testifying about what will be done today.

Amy Mellinger said she wanted to state that this is going to be their retirement home and that they do not intend to subdivide. This lot is going to be used by their family and that's it.

Mr. Mellinger said the next thing was the concern over the statement "Miscellaneous Uses" He said that was directly from the Zoning Ordinance. It was not something that he wrote down that it was going to be.

Robyn Payson said Miscellaneous Uses is the category that kennels fall under in the Zoning. It doesn't mean anything as far as additional uses.

Mr. Mellinger said that the grooming room is not for grooming services, it is for their personal dog's grooming. There would not be appointments or taking in outside grooming services.

Mr. Mellinger addressed concerns about staffing. He said the staff and employees are the three members of the family present. His daughter Taylor will be running the kennel and if she has any needs of assistance Mr. and Mrs. Mellinger will work with her. Taylor Mellinger said they would not be allowed employees for a Home-Based Business so that would not be a concern.

Mr. Mellinger said there were some letters that said its Residential, so why is this being allowed to come before the Board? He said the zone is Rural.

He said some letters said they didn't want businesses, and that there were three.

There was someone from the crowd shouted out that wasn't correct.

Susan Long of Windsor Road said the Hillsborough Food Pantry is not located on the road. It is just a mailing address.

Meg Curtis -Sauer said Stonewall Farm Bed and Breakfast has been a business for over 40 years.

Mr. Mellinger said the point was that it was said there are no businesses on Windsor Road and there are businesses.

Mr. Mellinger said that several letters stated this was a commercial kennel. He said this is a home boarding business. He said currently they have dogs that come into their house where the dogs sit with them, they play with them and then they go into their crate or wherever they are going to be staying. They are not going to be in a chain link fence all the time until their owner comes. He said that is the difference between what people consider a commercial kennel vs what is considered home boarding for these dogs.

Mr. Mellinger said there was a mention of "persistent high wattage lighting likely to be on all night". He said he didn't know where that came from, but the house will have normal exterior lights. The dog area light will only go on when the dogs are outside. The last time they go outside to go to the bathroom is between 7:30 and 8:30 at night.

Robyn Payson said that if this moves forward for Site Plan Review there are specific regulations for lighting that require them to be down lit and shielded.

Mr. Mellinger said some people addressed traffic, the volume and speed on the roads. He said he did not see any monitoring details on the DOT website, so he didn't know if anyone had any details on that. On traffic and volume. Eight kennels equals 8 vehicles two times a day for pickup and drop off. With overnight stays you don't have pickup. He said he didn't know how a maximum of 16 trips per day from a business with a driveway that leads several hundred feet, would create a bottle neck or congestion on Windsor Road. He said the State of NH has a trip generating study that puts the average activity on residential lots at 10 trips per day. That is the State's expectation. Based on recent activity there were 8 boarders and not one of them was only one day. They had three dogs for 7 days and 1 dog for 5, one for 4, one for three and two dogs for two days and those were the same owner. So, over a 10-day period they had 17 trips to and from the house. That was 1.7 visits per day. Which is well below the 10 visits per day projected by the State.

Mr. Mellinger said his wife works at Boston's Children's Hospital three nights a week. He works at a job where he works remotely two days a week. He said she is going to be leaving Tuesday night, staying at her parents Wednesday and Thursday and coming home Friday Morning. He said he will be going to work three days a week. Between them they will also be below what the state counts. He discussed the traffic statistics in Londonderry and Hillsborough.

As far as breeding there will be two whelping dogs bred once a year. The average Labrador that they have had will have 5-7 puppies.

Taylor Mellinger said that would be the maximum. She would only breed once a year and the dog might not get pregnant. She also may skip a heat but that would be the maximum of litters.

Mr. Mellinger said people wouldn't be coming to visit the puppies as they developed. He said Taylor posts on Facebook or lets people know she has puppies; she has a wait list and when they are about 9 weeks old people come pick them up. There are not going to be multiple litters with people coming in and out to see the puppies.

He spoke about the parking spaces. One of those will be for the owner, Taylor will take another spot. There will be one space for handicapped people and then there will be three additional spaces. If the Planning Board wants, they can reduce that.

He addressed the question of smells. He said dog droppings will be located in the outdoor play area. The area will have artificial grass and pea gravel. The area will be picked up daily and disposed of in a town approved disposal system. The area will be washed down with environmentally friendly enzymes that counter act the urine.

John Segedy asked Mr. Mellinger what he meant by "town approved" waste disposal system because the town doesn't have one.

Mr. Mellinger said they were looking at composting, and a septic system. He said they have been looking at different methods but have not decided yet. He said if this goes forward, they will meet with the building inspector to see what will work best. But they are not going to have it piled on the property.

Mr. Mellinger addressed the concern about barking dogs.

Taylor Mellinger said she worked at a dog training facility where they also boarded dogs. She agreed that kennels can be noisy. She said that this would be attached to her home, and she doesn't want a noisy chaotic home. She said she has taken all of the precautions she can to prevent barking. She said the sound proofing in the building will do a lot to prevent the dogs from becoming stressed. She said she wants to keep it quiet and peaceful not just for the neighbors but for the dogs as well. The kennel will have no windows and will be sound proofed so people wouldn't probably hear a thing. When people bring their dogs to her, she wants to make sure it is as peaceful and calm and loving as if they were in their own home so the dogs will not be stressed. The dogs will not be in the kennel's all day. They are for sleeping and rest. She described the "buddy system" that makes the dogs comfortable. She said the play area is in the back and Mr. Mellinger would be describing how the sound would be managed in the back.

Mr. Mellinger said Pam Smith provided them with a screen shot showing dog barking of up to 80-90 decibels. He said that was quite loud. He said this would only affect the outside dog area. He said they already discussed the earth berms and bamboo being as high as the fence. They have talked about putting the facility back 450ft. He discussed sound transmission class and what it means. He described the construction of the building. (see handout). He said the sound level of 90-100 decibels would be if someone were standing 5 ft away. One decibel is reduced every five feet from the residence, they will be reducing the decibels by 120 decibels. He said the distance alone will minimize the impact from barking if they bark.

Roger Racette asked if when addressing the statement that a dog barking could be 100 decibels, does that mean when you have more than one dog barking that it doubles the decibels?

Mr. Mellinger said regardless of the number of dogs, it is still 100.

Keith Cobbett said if he is having a conversation with him, it is 60 decibels, if he walks into a room and everyone is talking at the same time, are you going to say it's the same volume?

Mr. Mellinger said they don't plan on having 30 dogs.

Keith Cobbett said he has two dogs, and if one dog is barking its loud, if two dogs are barking its louder.

Roger Racette said based on his own research, he agrees that a dog can bark as loud as 100 decibels, for a dog kennel they say the noise can go as high as 125 decibels meaning that it is a little louder, but it is not doubled.

John Segedy asked the applicant what the maximum number of dogs they will have at the kennel.

Mr. Mellinger said they have five dogs of their own which includes the breeding females and 8 kennel spots.

Keith Cobbett said they could have up to 20 dogs at any given time.

Mr. Mellinger asked if they were also counting the puppies.

Keith Cobbett said they were.

There was discussion about the number of dogs that will be at the kennel.

John Segedy said there would be a maximum of 22 dogs.

Mr. Mellinger said that would be counting puppies. There would only ever be 8 dogs boarding.

Taylor Mellinger said puppies from when they are born to 8 weeks barely make noise. It wouldn't be like a dog barking.

Lucy Pivonka asked Taylor Mellinger about using the buddy system for the dogs. She asked if they could get twice as many dogs in the crates when they sleep. She asked if she could see a time when there would be 16 dogs boarding?

Taylor Mellinger said she couldn't.

Lucy Pivonka said with the buddy system and two dogs sleeping in the crates they could have up to 16 dogs boarding.

Taylor Mellinger said she couldn't see doing that.

Lucy Pivonka asked if the 8 dogs boarding would go out with her five dogs for playtime together.

Taylor Mellinger said that was possible, but she normally does groupings.

Lucy Pivonka said that her research showed that dog barks were approximately 90 decibels and depending on the breed of the dog and its age it can travel up to a mile. She said she know they have a berm planned but she has dogs, and they bark. She said she can hear a dog bark across the river.

Russ Galpin suggested the applicant go through the criteria.

Mr. Mellinger addressed concerns about the wildlife corridor. He said he frequently sees wildlife in his current yard where the dogs are kept.

Mr. Mellinger addressed the statement that the kennel business will reduce property values. He said he took a snapshot of three grooming and boarding facilities. Two in Hillsborough and one in Wear. He took those addresses, looked at the values from the Towns and they all went up.

Lucy Pivonka asked when the drop offs and pickups were made. Whether they were ever early in the morning or late at night.

Taylor Mellinger said the earliest she had a drop-off was 8:00 am and the latest would be 8:00 pm.

Lucy asked if there would be a policy on that.

Mr. Mellinger said if the Planning Board had a recommendation on that they would comply with it.

Roger Racette asked that the applicant go through the criteria. (see application attached)

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

(See attached application)

The use is listed, there were no comments from the Board.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

(See attached application)

There were no comments from the Board at that time.

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. :

(See attached application)

Lucy Pivonka asked about hosing off the dog waste area and where the drainage would go.

John Segedy asked what measures would be taken to keep the drainage out of the brook.

Mr. Mellinger said he didn't know because that plan had not been developed yet.
Environmentally friendly enzymes would be used.

D. The requested use will not create excessive demand for municipal police, fire protection, schools , or solid waste disposal services.

(See attached application)

There were no comments or questions from the Board at this time.

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled;

(See attached application)

There were no comments or questions from the Board at this time.

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

(See attached application)

Robyn Payson asked how much time during the day that the dogs would be outside in the play area?

Taylor Mellinger said it depended on the weather, how many dogs they have and what dogs they have and what their needs are. It's a rotating situation. She said maybe an hour outdoors and then bring them in to the indoor play area. She said she would be there all day with them.

Mr. Mellinger said if it is a nice day they will be out for a while. If the dogs are barking because kids come up to the fence the dogs would want to play with them.

Taylor Mellinger said that would never happen at this location.

Mr. Mellinger said if there is an issue the dog will come inside. At night, they will have eaten and have had a couple of hours to digest and then they go outside to relieve themselves for the last time of the night.

Taylor Mellinger said it would be about 10 minutes to go potty. The latest would be 8:30 pm.

John Segedy asked if there would be any additional outdoor play areas.

Mr. Mellinger said there would not be.

G. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan

(See attached application)

There were no comments or questions from the Board at this time.

Roger Racette opened the public hearing.

Meg Curtis-Sauer said She owns Stonewall Farm Bed and Breakfast and has owned it for 27 years. She wanted to tell the Mellinger's that this is not a lynch mob from Windsor Road. It's a concerned community. She said they are pretty tight up on Windsor Road and everyone cares about everybody. She said she certainly knows about dogs. She used to breed Labrador Retrievers. She said don't think you are going to get 5 or 6, you may have as many as 13. She said she knows what it is to have dog's that bark, she said she knows what it is to have multiple dogs barking. There's no more breeding at Stonewall Farm, she has a wonderful "doodle" that is the therapy dog for those who come to them. He is not a barker. She said they host wedding events seasonally, celebrations of life, business meetings, showers, and they are a caregiver's respite for Alzheimer's. She said they hear everyone's animals in the neighborhood. They are a farm community. She said she listens to the rooster across the street and she loves it. She has had pigs, horses, goats, sheep, she's done it all at Stonewall Farm. She said she misses her chickens and her rooster. She said she loves her neighbor's donkey. Their guests love the donkey. They can hear the donkey, but they haven't done any donkey decibels lately but its what you would expect in a farm community. She said she also knows because she had been to enough dog kennels that when you get more than one dog out in the play area there is going to be barking, and it is going to be loud. We have heard their dogs in the past barking, and they live quite a ways from us, and I am sure they used to hear ours too. So, it's a concern because we run a place that is pretty tranquil, and their biggest concern is the tranquility and the rural value of our neighborhood. In all honesty, if I had to sell my business tomorrow it definitely would be devalued because there is a dog kennel there and that's as a realtor it would be.

Kathleen and Bob Mihalko spoke against the application. (See attached letter)

Carol Pontious spoke against the application (See attached letter)

Sonya Lyn spoke against the application (See attached letter)

Peter Eckberg spoke against the application (See attached letter)

Stephen Eckberg spoke against the application (See attached letter)

Mr. Mellinger asked to address some of the concerns raised.

Carol Pontious said she was concerned that the bamboo being planted as a sound barrier would go on to her property.

Mr. Mellinger said they type of bamboo they were planting was “clumping” and would not travel.

Kaley Mihalko spoke against the application. (See attached letter)

Jeremy of 287 Windsor Road said he heard quite a few good points made as far as mitigating, but what he didn't hear is how we are going to keep things as it is. People moved to this neighborhood because they want to live a particular way. The specific number of dogs was not answered, the effect of the enzymes into the ground was not answered. In a large part some of the effects that they are worried about were not addressed.

Sonya Lynn read from her letter again.

Someone asked if the Special Exception would be in place if someone else bought the property?

Roger Racette said it would.

Steve Chandler asked if this use was subject to a taking if it was denied.

Roger Racette said this was a Special Exception as opposed to a Variance. A Special Exception means it is a conditional permitted use. A Variance is a use that is not permitted.

Steve Chandler said they mentioned their home dogs and having puppies but having puppies isn't being regulated through this. It is the home-based business that they are trying to do. So the puppies are immaterial unless they are bringing in puppies from the outside.

Robyn Payson said the Town doesn't regulate the breeding of animals.

Peter Eckberg asked if this was a “Conditional Variance.”

Roger Racette said no, and that this was a conditional permitted use. If the use meets the conditions, it is permitted. It is not a subjective thing. The decision comes in when determining whether the conditions are met or not.

Peter Eckberg asked if once you allow this Special Exception, then it becomes permanent.

Roger Racette said it did.

Carol Pontious said you can say all day long that it isn't going to increase the traffic but once they get started if the traffic increases, then that condition no longer applies.

Keith Cobbett said what she is saying is that there is no recourse.

John Segedy said the recourse is to complain to the building inspector that they are not meeting the conditions. He said that wouldn't apply to traffic as much as if they were having 20 dogs instead of 8.

One of the members of the public asked what would happen to the dogs when they went on vacation.

Mr. Mellinger said they coordinated with friends, family and other kennels to take in their personal dogs.

Taylor Mellinger said she would give advance notice to her boarders and close.

One of the members of the public asked what could be done to prevent the property from being taken out of current use and have other businesses up there. She said that was one of her concerns.

Meg Curtis said what she is hearing a lot of is if the Board were to approve this tonight that would be setting a precedent.

Maryann Hammond spoke against the application (See attached letter)

John Hammond said 10-15 years ago a company wanted to come in and all of the abutters were against it and it didn't come in. He said the Board has the right to decide if the neighbors want something to come in like that.

Roger Racette said they have to consider the conditions that have to be met.

Roger Racette closed the public hearing.

Roger Racette asked the Board due to the hour if they would like to continue until the 27th. The consensus of the Board was to move forward with deliberations.

Russ Galpin said he thought they should finish tonight but also wanted to address the Board.

He said he has listened to all of the discussion, and some of it was valid and some of it was invalid. He said there is no such thing as wildlife being disturbed by dogs. He said he had a neighbor who had dogs and deer came up to the pen. The first few days the dogs are there, the wildlife will shy away. As soon as they find out the dogs can't come out they will come right back. He said he lives on Bible Hill in the Rural zone which is similar to Windsor Road. As for the traffic increase, there will be some traffic increase, but it won't be that much. He said when you live in this world you have to live with the changes that come about. The only way you can stop that sort of thing is to buy 200 acres and put your house in the middle of it. Otherwise, you live in a world with other people. As far as dogs making noise, they do make noise. He said he used to live on Center Road and he had a neighbor who had a dog that barked all day long. His wife had a visitor one day who asked her how she could stand it and his wife had grown used to it and didn't hear him barking anymore. However, it can be annoying to people who don't like the sound of dogs barking. He said as far as he is concerned, the issues that we have to put up with is the noise dog's make not the business because it is remote. He said this is one of the permitted uses under a Special Exception. He said Roger tried to explain the differences, but the

basic difference is with a Variance, the applicant has to prove to the Board that the use is reasonable, and it is not going to disturb the neighborhood. In a Special Exception, we have to prove that it would be bad for the territory. What the Board's situation is that they need to decide if those criteria are legitimate and if they constitute enough of a problem that they would not approve it.

Keith Cobbett said in the 90's he worked for an environmental consulting firm. Every EPA approved chemical that was on the market was removed because of cancer causing issues and stuff getting into the water table. They were cleaning up Middle Town New York for decades because of EPA approved chemicals. So, he has a huge concern putting any chemicals anywhere near any aquifers. Regarding the noise, he has two dogs at home. If another dog went by the dogs went nuts. One dog he could hear through sliders 150ft away. He said he couldn't imagine what 28 dogs would do especially if they are labs. He said he thinks noise would be a big issue. Nobody mentioned the bears that go through that property. There's moose up in that area. Moose don't care about dogs but dog's care about moose which makes it noisier. He said if there are bear cubs and they feel threatened there is going to be some carnage up there.

Lucy Pivonka said traffic is not the biggest problem up there. She said she is sure when the Bed and Breakfast has an event it makes more traffic during that time. She said it doesn't seem to her that it's going to be that level of traffic. There will be a couple of cars. She said like Russ said, traffic increases, its just part of life. But she is concerned about the noise and the smell. She said it says in the application that the dog waste will be composted, and she is concerned that there will be piles out in the back that will draw in animals and bugs and it will smell on a hot summer day.

John Segedy said he had a couple of things. He was concerned about the drainage for washing and the composting. The Conservation Commission said that they didn't have any issues. However, they didn't have anything indicating that anything would be washed around. There is the stream down there that feeds through Gleason Falls Brook, then to Beard Brook and the Contoocook it all goes down river.

Roger Racette asked if there were any measures that could be taken to mitigate that.

John Segedy said you get an engineer, and you design a plan for that and get it approved.

Russ Galpin said the dog washing area is a pretty good distance away from that waterway. He said the Board has approved Variances to build on property less than 150ft from Loon Pond which is the water supply, and there are concerns about this?

Roger Racette said if there is a way of mitigating that conditions can be attached.

John Segedy said that would take some careful wordsmithing.

There was discussion about a possible condition that would not allow the property to be subdivided further beyond the two lots planned. And the location of the buildings.

Roger Racette said that is getting into Planning Board issues.

Robyn Payson said that if this moves forward there will be Subdivision Review and Site Plan Review that will address all of these issues.

John Segedy said they would need to nail down the maximum number of dogs.

Keith Cobbett said they are supposed to look at certain criteria. He said there is also the public's input. If we aren't going to listen to it, why are we asking? He said the public's input on the criteria should be taken into account when the decision is being made.

Russ Galpin said the testimony from the public needs to be taken into account when it is valid and reasonable. He said much of what was presented was personal feelings which according to several court cases cannot be used in making a decision.

Roger Racette said they have to remain focused on the conditions and whether they are being met or not.

Roger Racette quoted section 185-5.1 which states:

“(1) No adverse impacts beyond site boundaries will occur, due to:

- (a) Increased traffic.
- (b) Groundwater and drainage.
- (c) Sanitary and solid waste disposal.
- (d) Lighting/glare.
- (e) Noise.
- (f) Fumes, odors or air pollutants”.

The applicant is not looking for an exemption from Site Plan Review but these standards need to be met and the Planning Board is not bound by the ZBA's decision. Roger also quoted 185-5.2 (B) 10 which states:

“(10) To minimize negative impacts to residential abutters through sensitive placement and/or screening of buildings, driveways, parking lots, loading areas, lighting, and mechanical equipment. “

These are all issues that the Planning Board addresses.

Joh Segedy said that in order for the Planning Board to see it, it has to be approved by the ZBA and the ZBA can reverse a decision made by the Planning Board.

Lucy Pivonka said the ZBA shouldn't be thinking about things that the Planning Board will do. They should just stick to the criteria.

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

The use is specifically authorized in the Table 4 Chart of Uses

Vote: John Segedy-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Lucy Pivonka-Yes, Roger Racette, Yes

The criteria passed.

Finding of Fact-The lot is located in the Rural Zone and Boarding Kennels are authorized by Special Exception in the Table 4 Chart of Uses.

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety because:

Following discussion, John Segedy said it is unlikely that there will be much more traffic on the road due to this use.

Vote: John Segedy-Yes, Russ Galpin-Yes, Keith Cobbett-No, Lucy Pivonka-Yes, Roger Racette, Yes

The criteria passed.

Finding of Fact- The Board determined that the use would create a minimal traffic increase, that it will not create undue traffic congestion or unduly impair pedestrian safety.

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system. There will not be any significant increase in storm water runoff onto adjacent property or streets because:

Lucy Pivonka is concerned about the water runoff from the outdoor play area. And the safety of the aquifer.

John Segedy said that depends on the location of the building. There was discussion regarding this issue. He wanted a condition that states the building must be located relative to where it is shown on the applicants drawing.

John Segedy made a motion to attach a condition to the approval if it's granted that the location of the house/kennel will be substantially within (35 ft) in the location on the submitted plan. Russ Galpin seconded the motion.

Lucy Pivonka said she couldn't support that because it is not something that can be controlled by the ZBA. She said we are discussing if the use of this land as proposed is appropriate. The ZBA has no say about where a building is located.

Roger Racette called for a vote. The motion failed 3 to 2 with Russ Galpin and John Segedy voting Yes.

Following further discussion. The vote on the criteria

Vote: John Segedy-No, Russ Galpin-Yes, Keith Cobbett-No, Lucy Pivonka-No, Roger Racette, Yes

The criteria did not pass.

Finding of Fact: The applicant did not provide any clear way to capture groundwater or other possible runoff that has chemicals or waste in it.

D. The requested use will not create excessive demand for municipal police, fire protection, schools, or solid waste disposal services.

Following a brief discussion, the Board voted.

Vote: John Segedy-No, Russ Galpin-Yes, Keith Cobbett-Yes, Lucy Pivonka-No, Roger Racette, Yes

The criteria passed.

Finding of Fact: Two houses and 3-4 individuals would not cause that much of a burden.

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled because:

Lucy Pivonka said she didn't feel the application met the conditions of Home Business as defined in the zoning.

John Segedy said composted waste was storage.

Keith Cobbett said they said "if" they compost it.

There was further discussion and then Roger Racette called for a vote.

Vote: John Segedy-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Lucy Pivonka-No, Roger Racette, Yes

The criteria passed.

Finding of Fact: The applicant fulfills the requirements as set forth in 229-86 A and C Home Business in the Zoning Ordinance.

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood because:

Keith Cobbett said he was concerned about the chemicals being used on site; he is concerned about the health and welfare of the neighborhood, and he thinks the use is out of character with the neighborhood.

Lucy Pivonka said she felt the use was out of character in the neighborhood.

Vote: John Segedy-No, Russ Galpin-Yes, Keith Cobbett-No, Lucy Pivonka-No, Roger Racette, Yes

The criteria did not pass.

Finding of Facts:

The noise and the possibility of chemical or waste runoff will affect the general health and safety of the neighborhood.

The Kennel is out of character with the rural residential neighborhood.

G. The requested use is consistent with the spirit and intent of the Zoning Ordinance and the Master Plan because:

Vote: John Segedy-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Lucy Pivonka-Yes, Roger Racette, Yes

The criteria passed.

The use is consistent with the Master Plan.

Keith Cobbett made a motion to deny the application because two of the three conditions were not met. Lucy Pivonka seconded the motion, The motion carried with Roger Racette voting No

Meeting Minutes

10/24/22 Roger Racette made a motion to approve the minutes. Lucy Pivonka seconded the motion. The motion carried with Keith Cobbett abstaining.

10/27/22 Russ Galpin made a motion to approve the minutes. Lucy Pivonka seconded the motion. The motion carried unanimously with Keith Cobbett abstaining.

Meeting Schedule. Russ Galpin made a motion to approve the 2023 Meeting Schedule. John Segedy seconded the motion. The motion carried unanimously.

ZBA Minutes March 13, 2023

Roger Racette adjourned the meeting at 10:50 pm

Respectfully Submitted,
Robyn Payson, Planning Director



Town of Hillsborough
Zoning Board of Adjustment
27 School Street
P.O. Box 7
Hillsborough, NH 03244

February 27, 2022

LEGAL/PUBLIC NOTICE

**Zoning Board of Adjustment
Case No. 2023-02**

Notice is hereby given in accordance with RSA 676:7 that the Hillsborough Zoning Board of Adjustment will hold a Public Hearing on a Special Exception from the Table 4 Chart of Uses, Miscellaneous Uses, Boarding Kennel in the Rural Zone. The application is submitted by Gary and Amy Mellinger on behalf of Cody Coppola and Andrea Comeau for their property located on Windsor Road (Map 07 Lot 09) which is located in the Rural Zone.

The Public Hearing for this application will be presented to the Hillsborough Zoning Board of Adjustment Monday, March 13, 2023, at 7:00 p.m. at the Hillsborough Town Office Meeting Room at 27 School Street, Hillsborough, New Hampshire

Please contact Planning Director Robyn Payson at 603-464-7971 or e-mail robyn@hillsboroughnh.net with any questions regarding this application.

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM A – Application Cover Sheet

Case No. 2023-02
Date Received 2/16/23
Office Use Only

Sent to paper 2/16/23

Hearing Date 3/3/23

1. Applicant Information

Name: Gary N. and Amy E. Mellinger

Company Name: Shay Acres, LLC

Mailing Address: 114 Litchfield Road, Londonderry, NH 03053

Preferred Phone No.: 603.505.1129

Email Address: Gary N. Mellinger
garynmellinger@gmail.com

2. Property Owner Information [] Same as Applicant [] Multiple Owners (attach list) Name

Property Owners: Cody Coppola/Andrea Comeau

Mailing Address: 394 Concord Street, Manchester, NH 03104

Preferred Phone No. _____ Email Address _____

3. Property Information

Address: Windsor Road, Hillsborough, NH 03244

Map(s): 7 Lot(s): 9

Total Acres: 21.7

Zoning District(s): Rural

Other Districts(s) _____

Existing Use of Property: Currently in Current Use

4. Application Type (Check all that apply)

[] Administrative Appeal

[] Variance

[X] Special Exception

[] Equitable Waiver of Dimensional Requirement

[] Request for Rehearing

**Applicable
Statutes**

[RSA 674:33.I(a)]

[RSA 674:33.I(b)] & [RSA 674:33.V]

[RSA 674:33.IV]

[RSA 674:33-a]

[RSA 677:2] & [RSA 677:2]

**Other Forms
Required**

B, N

C, N

D, N

E, N

F

5. Description of Project/Proposal

[X] Check here if description is attached

See Page 4

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM A – Application Cover Sheet

Case No. _____

Date Received _____

Office Use Only

6. Fee Calculation

Applications are subject to the fees indicated below. Please use the following table to calculate the amount of fees due to the Town.

Item	Fee	Unit	Quantity	Total
Administrative Appeal	\$25.00	Per application		
Variance (all types)	\$75.00	Per application		
Special Exception	\$75.00	Per application	1	\$75.00
Equitable Waiver of Dimensional Requirement	\$75.00	Per application		
Request for Rehearing	\$25.00	Per application		
Subtotal				\$75.00

Applications requiring public hearings are also subject to the following fees:

Item	Fee	Unit	Quantity	Total
Certified Notice of Hearing	\$10.00	Per address	8	\$80.00
Certified Notice of Decision to Applicant	\$10.00			\$10.00
Newspaper Legal Notice		N/A	N/A	\$60.00
Recording Fee				\$18.00
Subtotal				\$168.00

*Decisions consisting of more than two pages will require an additional \$4.00/page to be paid prior to the issuance of any other permits.

TOTAL \$243

PLEASE NOTE: All fees must be paid by the applicant at the time of filing the application with the designated agent of the Board. Failure to pay all applicable fees as determined by the Town will be valid grounds for refusal to accept the application as complete or for disapproval of the application.

In reviewing applications, the Board may contract with consultants to review all or portions of an application. This review shall be at the applicant's expense and related costs shall be paid in advance. The Board, at its discretion, may request that an applicant prepare special studies, or contract with a consultant to perform these studies, at the applicant's expense.

All fees must be paid by check payable to "The Town of Hillsborough, NH".

7. Acknowledgement and Signature

The named Applicant must sign this application where indicated below. The Owner(s) of the subject property shall also sign where indicated below or submit a signed original letter authorizing the applicant to submit the application on their behalf. All correspondence and notices from the Town regarding the project and any plans will be transmitted to the Applicant.

By signing this application, the Applicant and Owner(s) are indicating that all information contained in this application and all supporting and accompanying plans, documents and attachments are complete, true and accurate to the best of their knowledge. The Applicant and

We, Cody Coppola and Andrea Comeau, hereby authorize Gary and Amy Mellinger, to make application for an Application for Special Exception to the Zoning Board of Adjustments to Build a home business consisting of a dog breeding/board business at Map 7 Lot 9 (Windsor Road), Hillsborough, NH 03244.

[Signature] [Property Owner's signature]

Cody Coppola

84 Hillbury Rd [Address]

 [Date]

A Comeau [Property Owner's signature]

Andrea Comeau

49 Carriage Ln. Bedford NH [Address]

2/15/23 [Date]

Gary N Mellinger [Representative's signature]

Gary Mellinger

114 Litchfield Road, Londonderry, NH 03053

2/13/23 [Date]

Amy N Mellinger [Representative's signature]

Amy Mellinger

114 Litchfield Road, Londonderry, NH 03053

2/13/23 [Date]

We, Cody Coppola and Andrea Comeau, hereby authorize Gary and Amy Mellinger, to make application for an Application for Special Exception to the Zoning Board of Adjustments to Build a home business consisting of a dog breeding/board business at Map 7 Lot 9 (Windsor Road), Hillsborough, NH 03244.

_____ [Property Owner's signature]

Cody Coppola

_____ [Address]

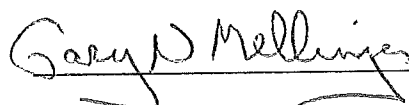
_____ [Date]

_____ [Property Owner's signature]

Andrea Comeau

_____ [Address]

_____ [Date]

 _____ [Representative's signature]

Gary Mellinger

114 Litchfield Road, Londonderry, NH 03053

2/13/23 [Date]

 _____ [Representative's signature]

Amy Mellinger

114 Litchfield Road, Londonderry, NH 03053

2/13/23 [Date]

We, Cody Coppola and Andrea Comeau, of 394 Concord Street, Manchester, NH 03104, hereby authorize Gary and Amy Mellinger, of 114 Litchfield Road, Londonderry, NH 03053, to make application for an Application for Special Exception to the Zoning Board of Adjustments to Build a home business consisting of a dog breeding/board business at Map 7 Lot 9 (Windsor Road), Hillsborough, NH 03244.

[Signature] [Property Owner's signature]
Cody Coppola

[Signature] [Property Owner's signature]
Andrea Comeau
2/15/23 [Date]

Address: 394 Concord Street, Manchester, NH 03104

Phone: 603-289-6320 (A)

Email: Pittimami101@gmail.com

603-370-2928 (C)

Cody Coppola 8118@gmail.com

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM A – Application Cover Sheet

Case No. _____

Date Received _____

Office Use Only

Owner(s) further agree that if any such information is found to be false or misleading, any permit or other approval granted on the basis of such information shall be deemed null and void.

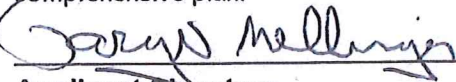
In addition, it is understood this application must be filed with all pertinent information as it pertains to the requirements of the Hillsborough Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. It is understood that this application will not be considered filed and scheduled for hearing by the Board until all required information has been received, and do further understand that the Town of Hillsborough reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I understand that I, my representative as stated on the application, or my attorney should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, said evidence will become property of the Town of Hillsborough and will remain on file with the Town for future reference. By law those instruments automatically become part of the public records and cannot be returned.

Also, I recognize and understand that the public hearing before the Board regarding land development is considered quasi-judicial in nature. State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.

The undersigned acknowledge that the Board may require additional information and a site visit to the subject property in order to adequately determine compliance with ordinances and regulations, and to better assess impacts that may be generated by the project/proposal.

It is understood that the Applicant is fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the Board's decision on this application request. The Town of Hillsborough assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and local laws, codes, land development regulations and comprehensive plan.


Applicant Signature

2/13/23
Date

Applicant Signature

Date

X 
Property Owner Signature

2/15/23
Date

X 
Property Owner Signature

2/17/23
Date

Property Owner Letter of Authorization Attached ☐ Yes ☐ No
[Not required for Rehearing Request from those other than original applicant]

RETURN APPLICATION TO:

Office of Community Planning
27 School Street, PO Box 7
Hillsborough, NH 03244

**Town of Hillsborough, NH
Zoning Board of Adjustment
FORM A – Application Cover Sheet**

Case No. _____
Date Received _____
Office Use Only

Application Questions may be directed to:

Robyn L. Payson, Planning Director Phone:
603-464-3877, ext. 227 Email:
robyn@hillsboroughnh.net

5. Description of Project/Proposal

We have a purchase and sales agreement to for this property (Map 7 Lot 9) with several contingencies in order to finalize it. They are:

1. Town approval/variance to allow a kennel/dog boarding business to operate on one of the lots.
2. Town approval of a subdivision into 2 or more separate lots whereas 1 dog kennel may be operated and attached to one residence which shall reside on one parcel and a second home may reside on the second parcel.
3. A shared driveway solution.

Due to the time needed to complete the survey in order to go through the subdivision process, this application is looking for an approval of a home-based boarding/kennel business (referred as “house” going forward) on this property. The business will be attached to the home. The site for the house—still to be determined—will be approximately 300-400ft from Windsor Road onto the property. The initial plan is to build the house with a hallway that leads to a door that goes to into area that consists of a high counter office area, a small waiting area, 2 whelping rooms, and a grooming room. This area will have a hallway that leads to an indoor dog play area. A hallway will go from the play area to the kennels. There will be 8- 5’x5’ kennels with raised dog beds. There will be an entrance way to the outside dog area that will be covered in artificial grass specifically designed for dogs, with a dog waste-specific septic system, and several doggie pools during the summer. The outside area will be contained by a chain link fence that is built into a concrete foundation and a natural shrub surrounding for privacy and sound abatement.

The exterior walls of the dog areas will comprise of 2x6 walls insulated with mineral wool which has a sound transmission class (STC) rating of 45-52—which equates to loud speech not audible to very loud sounds such as musical instruments or stereo can be faintly heard; and 5/8” Sound abatement drywall which has a STC rating of 56—which equates to music heard faintly.

Parking for dropoff and pickup will comprise of a space of 40’ by 12’ to accommodate up to 5 vehicles located in front of the office, kennel and outside do area.

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM D – Application for Special Exception

Case No. _____
Date Received _____
Office Use Only

1. Special Exception Request

☐ Check here if description or additional pages are attached

The undersigned hereby requests that the Board of Adjustment grant a special exception, as provided for under Hillsborough Zoning Ordinance Section(s) Table 4 Chart of Uses, Miscellaneous Uses, Boarding Kennel in the Rural Zone in order to permit the following: A Boarding Kennel

2. Criteria

☐ Check here if description or additional pages are attached

In order to secure a special exception, the Zoning Board of Adjustment must determine by law that your special exception request satisfies the following criteria as specified under [Section 229-50.C.](#) of the Hillsborough Zoning Ordinance. Please provide a written response along with any other supporting documentation for each of the following criteria. Please note that all criteria must be satisfied and supported by the Board in order for a special exception to be granted. Should the space be provided be inadequate, please attach additional pages to this application.

A. The ZBA shall hear and decide requests for Special Exceptions that are specifically authorized in Table 4 Chart of Uses:

This request falls under several uses in Table 4 regarding the Rural Zone:

- Home Business-page 85- Permitted
- Daycare Facility Dog- page 88- Permitted by Special Exception
- Boarding Kennel-page 88-Permitted by Special Exception

B. The requested use will not create undue traffic congestion or unduly impair pedestrian safety:

The layout of this property (Map 7 Lot 9) on Windsor Road provides the ability to have the residence and business setback far enough from the road (300-500 feet) where test pits were conducted, as to not create any traffic issues on Windsor Road.

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM D – Application for Special Exception

Case No. _____

Date Received _____

Office Use Only

C. The requested use will not overload any public or private water, drainage, or sewer system or any other municipal system, nor will there be any significant increase in storm water runoff onto adjacent property or streets. :

The home and business will be supplied water via a drilled well. Well records for nearby properties (via <https://www.des.nh.gov/water/groundwater/water-well-inventory>) indicate a healthy aquifer at reasonable depths to supply the needs of both home and business. Expected water consumption for 8 dogs for a 24 hour period is approximately 16 gallons (between drinking, waste disposal, cleaning). The average water usage per person per day is 60 gallons (via www.watercalculator.org). The home will be connected to a septic system that is determined to have the least impact on the property. The dog waste will utilize a dog waste specific septic system which degrades the waste to useful nutrients for nearby plants and shrubs.

D. The requested use will not create excessive demand for municipal police, fire protection, schools , or solid waste disposal services.

Since the business is will be dog-based, I do not anticipate additional services to be needed by the schools, police or fire departments. Safety measures will be put in place to ensure that dogs and dog owners will be isolate in the presence of other people to avoid any negative encounters. As stated in Section C, a solid waste solution is planned.

E. Any requirements and standards for the specific use as set forth in the Zoning Ordinance are fulfilled;

- (1) Currently the vehicle to be used is a personal minivan. At a later date, this or another vehicle might be converted under the business and will reside at the residence.
- (2) Since part of the business will consist of an outside play area; the dogs along with outdoor activity items (ramps, tug toys, etc.) there will be outside materials related to the business.
- (3) The expected floor area of the residence is projected to be 2,455sq. ft. The attached business is expected to be 984 square feet (minus the outside play area) which makes the business representing 40% of the net floor area.
- (4) As previously stated in the application cover letter and Section C, The business black water will utilize a dedicated system, that is not a part of the residence septic system. Greywater from the business that comes from the grooming and feeding area will be tied into the residence system and be accounted for when that design is developed and presented by a licensed NH Septic Designer to the planning board for approval.
- (5) As stated in the application cover letter, the expected site for the home and business will be located 300-500 feet off of Windsor Road. This will be barely visible from the street. It will be several acres away from 246 Windsor Road residence, several hundred yards from 286 Windsor Road residence, and several acres away from the undeveloped land at 222 Windsor Road. The business will be built with sound abating materials such as mineral wool and specialty drywall, which has excellent sound dampening qualities. The residence will also be fostering a rustic feel to the land by planning on the caring and keeping of bees, chickens, a fruit/vegetable garden, and working towards incorporating solar power.

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM D – Application for Special Exception

Case No. _____
Date Received _____
Office Use Only

F. The requested use will not create hazards to the health, safety, or general welfare of the public, nor be detrimental to or out of character with the adjacent neighborhood.

The expected site for the home and business will be located 300-500 feet off of Windsor Road. This will be barely visible from the street. It will be several acres away from 246 Windsor Road residence, several hundred yards from 286 Windsor Road residence, and several acres away from the undeveloped land at 222 Windsor Road. The business will be built with sound abating materials such as mineral wool and specialty drywall, which has excellent sound dampening qualities

G. The requested use is consistent with the spirit and intent of this Ordinance and the Master Plan

This request for a Special Exception, provides a resource for the community in the caring for families pets when they are not able to do so. This business will also provide high quality, well natured pets to individuals and families looking to increase their home life enjoyment. The intended use of solar power along with the other agricultural efforts (bees, chickens, fruit and vegetable gardens, etc.), will keep with the rural feel of the area.

The home and business will utilize 2-3 acres of the 21.7 acres in current use (with another 2-3 acres to be requested in a subdivision at a later date). The original plans for this property was to take all 21.7 acres out of current use and create a 5 single family lots that would create more needs for town resources, such as, schools, police, and fire.

3. Additional Submittals

The following items are required to complete the application and must be attached:

_____ Three (3) copies of plat, survey, or site plan of the subject property for which the variance is requested clearly depicting the proposed variance prepared by a licensed surveyor, civil engineer, or architect. At least seven (7) reduced size (11"x17") plan sets is also required. Submittal standards for plats shall be those as detailed in the Subdivision Regulations and/or Site Plan Review Regulations. The applicant shall retain the right to petition the Zoning Board of Adjustment to grant waivers to any plat standards as defined. In addition to these requirements, the ZBA, at its discretion, may require additional information be provided.

- ☒ Affidavit of Ownership (copy of warranty deed).
☒ Completed **Form N** – Certified Notification List

Return to:
Cody Coppola
Andrea Comeau
394 Concord Street
Manchester, NH 03104

E- Doc # 210005538
Book 9414 Page 2711

01/25/2021 12:16:25 PM
Page 1 of 2

Mary Ann Crowell
Register of Deeds, Hillsborough County
LCHIP HIA588784 25.00
TRANS TAX HI132458 2,088.00

139,200

\$ 2088

S# 2849

A# 16864 16564

m/c 7 9

E/C

WARRANTY DEED

A# 21320
21335

KNOW ALL MEN BY THESE PRESENTS: That Annie M. Law, single and Robert A. Cleland, single, Trustees of The Windsor Road Revocable Realty Trust, of 43 Farmstead Road, Antrim, NH 03440 for consideration paid grant to Cody Coppola, single and Andrea Comeau, single, of 394 Concord Street, Manchester, NH 03104, as joint tenants with rights of survivorship, with WARRANTY COVENANTS:

A certain tract or parcel of land, with the buildings thereon, situated in the Town of Hillsborough, County of Hillsborough, State of New Hampshire, being Lot #9, as shown on a plan of land entitled "Subdivision of Lot 9, Black Pond Road", dated 10/27/1986, drawn by D.C.A. Engineering, Inc. and recorded in the Hillsborough County Registry of Deeds as Plan #20181. Reference to said plan is made for a more particular description.

The undersigned, Annie M. Law, Trustee and Robert A. Cleland, Trustee of Windsor Road Revocable Realty Trust, created under the Agreement, hereby have full and absolute power in said Trust Agreement to convey any interest in real estate and improvements thereon held in said Trust and to hold any interest in real estate and no purchaser of third party shall be bound to inquire whether the Trustees have said power or are properly exercising said power or to see the application of any Trust assets paid to the Trust for conveyance thereof. Annie M. Law and Robert A. Cleland continue and remain the Trustees of the above Trust and are duly authorized to execute such documents as may be necessary to sell and or hold certain property located at Lot 9 Windsor Road, Hillsborough, NH 03244.

Meaning and intending to describe and convey the same premises conveyed to Annie M. Law and Robert A. Cleland, Co-Trustees of The Windsor Road Revocable Realty Trust by virtue of a Deed from Annie M. Law and Robert

A
B

A. Cleland dated June 22, 2004 and recorded in the Hillsborough Registry of Deeds in Deed Book 7375 at Page 2695.

This is land only and not subject to homestead rights.

Executed this 01/22/2021.

Windsor Road Revocable Realty Trust

By: Annie M. Law, Trustee
Annie M. Law, Trustee

By: Robert A. Cleland Trustee
Robert A. Cleland, Trustee

State of New Hampshire
County of Hillsborough

Then personally appeared before me on this 22nd day of January, 2021, the said Annie M. Law, Trustee of The Windsor Road Revocable Realty Trust and Robert A. Cleland, Trustee of The Windsor Road Revocable Realty Trust and acknowledged the foregoing to be their voluntary act and deed.

[Signature]
Notary Public, Justice of the Peace
Commission expiration:



4115856

2004 DEC 14 PM 12:22

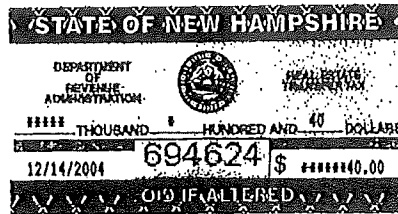
GRANTEE

10.37

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40 TS



WARRANTY DEED

KNOW ALL BY THESE PRESENTS: That Annie M. Law and Robert A. Cleland, both unmarried, of 43 Farmstead Road, Antrim, NH 03440, for consideration paid, grant to Annie M. Law and Robert A. Cleland, Co-Trustees of the Windsor Road Revocable Realty Trust, of 43 Farmstead Road, Antrim, NH 03440 with WARRANTY COVENANTS:

A certain tract or parcel of land, with the buildings thereon, situated in the Town of Hillsborough, County of Hillsborough, State of New Hampshire, being Lot #9, as shown on a plan of land entitled "Subdivision of Lot 9, Black Pond Road", dated 10/27/1986, drawn by D.C.A. Engineering, Inc. and recorded in the Hillsborough County Registry of Deeds as Plan #20181.

Reference to said plan is made for a more particular description.

Meaning and intending to describe and convey the same premises conveyed to Annie M. Law and Robert A. Cleland by deed of Karyn Lynn Banks, Lisa Cobb, Gretchen Ellen Eades, and Joellyn B. Cobb dated April 21, 2004 and recorded in the Hillsborough County Registry of Deeds at Book 7218, Page 221.

Executed this 22nd day of June, 2004.

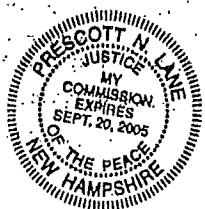
Annie M. Law
Annie M. Law

Robert A. Cleland
Robert A. Cleland

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

Personally appeared the above named Annie M. Law and Robert A. Cleland, known to me, and acknowledged the foregoing to be their free act and deed.

Before me,



(SEAL)

Prescott N. Lane
Justice of the Peace/Notary Public
Comm. Exp.

BK7375PG2695



February 13, 2023

Windsor Road Map 7 Lot 9

Hillsborough, NH

1 inch = 188 Feet



CAI Technologies

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**Town of Hillsborough, NH
Zoning Board of Adjustment
FORM N – Certified Notification List**

Case No. _____
Date Received _____
Office Use Only

Please type US Postal Service mailing address for Project/Public Hearing Notification
(Attach additional sheets as necessary)

In addition to the following information, the Applicant **must submit three (3) sets of mailing labels** for all those listed below. Individual labels can be no larger than 1" X 2 ¾".

Applicant MELLINGER, GARY N.
MELLINGER, AMY E.
114 LITCHFIELD ROAD
LONDONDERRY, NH 03053

Property Owner COPPOLA, CODY
COMEAU, ANDREA
394 CONCORD STREET
MANCHESTER, NH 03104

Others: Pursuant to [RSA 676:7.I.\(a\)](#), notice shall also be given to all holders of conservation, preservation or agricultural preservation restrictions. Please list the name and address of such holders and describe the type of restrictions.

1. _____ Map _____

_____ Lot _____

Restriction Description: _____

2. _____ Map _____

_____ Lot _____

Restriction Description: _____

(Please attach additional sheets as necessary)

The accuracy and completeness of the abutters list is the responsibility of the applicant.

Town of Hillsborough, NH
Zoning Board of Adjustment
FORM N – Certified Notification List

Case No. _____

Date Received _____

Office Use Only

Abutters: Pursuant to [RSA 676:7.1\(a\)](#), all owners of property located in New Hampshire that adjoin or are directly across the street or stream from the subject property must be notified (see RSA 672:3). The list of abutters shall be those indicated in the Town Assessor's Office not more than 5 days prior to submission of the application.

ST. LAWRENCE, PETER A.
SMITH, PAMELA J.
286 WINDSOR ROAD
HILLSBOROUGH, NH 03244

Map: 7

Lot: 4 ✓

PONTIOUS, TODD CHARLES
PONTIOUS, CAROL J.
246 WINDSOR ROAD
HILLSBOROUGH, NH 03244

Map: 7

Lot: 206 ✓

JASON BROWN FAMILY FARM, LLC
16403 PLANTATION WOODS DRIVE
CHARLOTTE, NC 28278-8821

Map: 7

Lot: 119 ✓

SWEET-VALENTI, DOMINICK
SWEET-VALENTI, CASEY
277 WINDSOR ROAD
HILLSBOROUGH, NH 03244

Map: 7 ✓

Map: 7

MIHALKO, ROBERT S.
MIHALKO, KATHLEEN J.
261 WINDSOR ROAD
HILLSBOROUGH, NH 03244

Map: 7

Lot: 212 ✓

SUNDSTROM, JEREMIAH
SUNDSTROM, ALEXIS P.
12 ARLINGTON COURT
HILLSBOROUGH, NH 03244

Map: 7

Lot: 213 ✓

The accuracy and completeness of the abutters list is the responsibility of the applicant.

2 or more subdivisions

- This was incorrectly listed—We are trying for it to be 1 lot of 2-3 acres for Gary and Amy Mellinger and 1 lot of 2-3 acres with the residence and home business and 15.7-17.7 acres left in current use

Misc. Uses statement in application

- Mentioned in several letters—this is exact language from the zoning ordinance

Grooming Room

- The grooming room, listed in the application will be for the personal use of the homeowner's dogs

Staffing/Employees

- Since this is a home boarding business the town of Hillsboro has ordinances that do not allow non-family member employees
- Taylor will be the only staff person for the business with help from Gary and Amy, her parents

Zoned Rural not Residential

- Mentions in several letters of zoned residential and changing the zone and why would the town allow a business in a residential zone—The property is zoned as Rural which provides for the special exception—if zoned residential, this application would not be an option

Concerns of businesses on Windsor Road—businesses on Windsor Road

- 235- Stonewall Farm B&B
- 235- Windsor Barn- Wedding venue
- 107- Hillsboro District Food Pantry

Several mentions of Commercial Kennel

- When putting in the application for special exception, it was listed in the zoning ordinance as Boarding Kennel, which is what we listed. Technically we are Home Boarding. In-home boarding is a lot like dog sitting, except the dog stays in the boarder's home. Some in-home dog boarders do use kennels, though many offer free-range pet care. In-home boarding is an excellent alternative to dog kennels since they generally house fewer dogs and allow more one-on-one interaction

Persistent High Wattage lighting (likely on all night)

- I am not sure what generated this concern. The house will have normally exterior light and a light at the back of house and in the outside play area. The dog area light will only be on when they are let out for the last time at night (usually between 7:30p-8:30p)

Traffic volume/speed on road—

- Mentioned in several letters that this is an ongoing issue and police have done a study, can you provide those details?
- 8 kennels equating to 8 vehicles 2 times a day (less if boarding overnight, which is usually the case)—what is the expected negative impact of a maximum of 16 trips to the business onto a driveway that leads them several hundred feet off the road—There will be no bottleneck or congestion on Windsor Road
- State of NH Trip Generating Study puts the average activity per residential lot to be 10 visits per day.
- Based on recent activity to Litchfield Road, boarding activity was the following over a 10 day period (17 trips or 1.7 trips/day):
 - 3 dogs 7 days
 - 1 dog 5 days
 - 1 dog 4 days
 - 1 dog 3 days
 - 2 dogs 2 days – same owner accounts for 2 trips
- This low volume of activity should alleviate concerns about conflicts with commuter and school bus schedules
- The 2nd lot that will be for Gary and Amy is expected to have trips per day as: Gary will be working remotely 2 days per week (6 trips/week); Amy works 3 nights per week (7p-7a) in Boston, but will be at her parent's home Wednesday AM to Thursday PM—driving into Boston on Tuesday PM and returning to Windsor Rd Friday AM (2 trips/week). This equals 8 trips related to work per week or 1.14 trips per day—well below the 10 trips per day
- Londonderry traffic study Litchfield Road 2018 9/28-10/7 10day period
 - <https://www.londonderrynhpd.gov/DocumentCenter/View/289/Litchfield-Rd-9-29-2018-to-10-07-2018->
 - Daily average: 5,206
 - Avg. speed: 37.9
- Hillsborough traffic studies:
 - Windsor road 2020-428 vehicles
 - Rt 31 North of Rt 9 2016- 4,089 vehicles 2022- 3,993 vehicles (2.4% decrease)

Breeding bringing additional traffic to see puppies develop

- Since there are 2 whelping rooms the maximum number of dogs that will deliver puppies are 2. The dogs will be Labrador Retrievers which based on past births averages between 5-7 puppies. The labs are usually bred once a year, which would equal 2 births and an expected 10-14 puppies over the course of a year. Prospective owners will only visit the puppies when they choose a puppy and take them home. This is within the same visit.

Home business proposed location/driveway/parking lot

- See handout titled Property Distance

5 parking spaces illustrates the volume of traffic expected

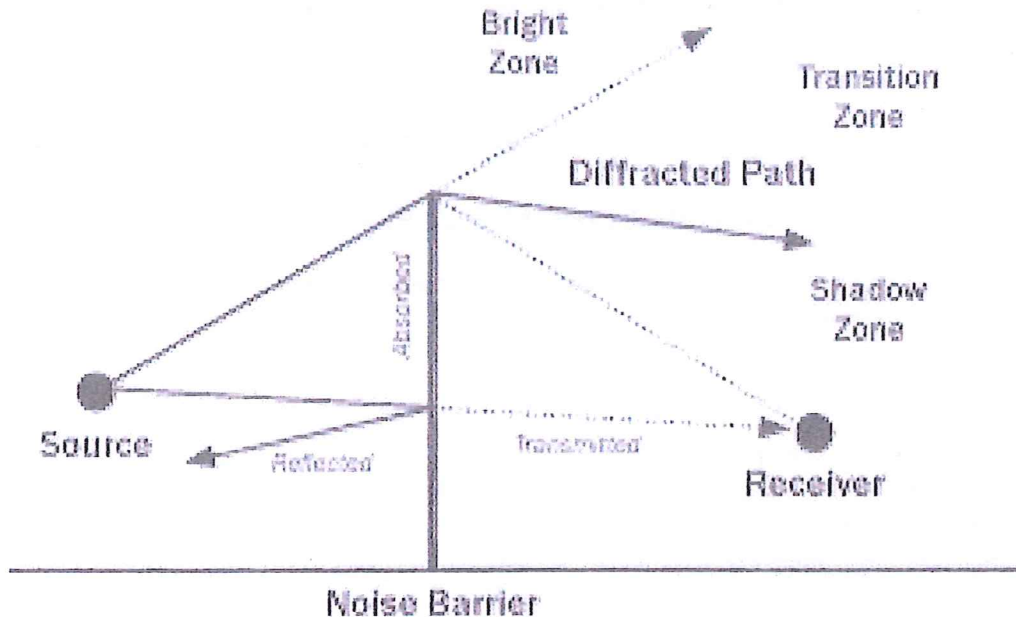
- 1 space will be for the owner; 1 space will be handicap; leaving 3 spaces which we can reduce if the zoning board deems fit.

Smells generated by a kennel

- Dog droppings will be located in the outdoor play area. This area will have a combination of artificial grass specifically designed for dogs and pea gravel. The area will be picked up daily and disposed of in a town approved dedicated dog waste disposal system. The area will be washed down with a environmental friendly enzyme.

Barking due to arrival, departures, mail, at each other, at wildlife, incessant barking,

- Taylor had worked at a kennel for several years and saw some of the concerns that the letters received indicate. With this experience, we applied many solutions to resolve those concerns as listed in the application and we are continually looking at new ideas to improve on them (ie. Using live bamboo, considered one of the best trees/plants for noise reduction, an earth berm around the enclosure—see diagram below from the Federal Highway Administration regarding noise barriers) around the outdoor play area



- To achieve a 10 dBA reduction (one half the noise level) either a very wide dense tree planting or including a solid barrier is necessary. Solid barriers can be either an earthen berm or a solid wall or fence. If a berm is utilized trees and shrubs should be planted on top. Planting on top of the berm creates a relative increase in height of the trees with respect to the recipient. Solid barriers also reflect sound back toward the source.

<https://www.fs.usda.gov/nac/assets/documents/agroforestrynotes/an42w05.pdf>

Bamboo

<https://soundproofland.com/bamboo-noise-barrier/>

What change in dB (or STC) can the human ear detect? Is a change of 1 dB (1 STC) noticeable?

Changes in STC rating	Changes in Apparent Loudness
+/- 1	Almost imperceptible
+/- 3	Just perceptible
+/- 5	Clearly noticeable
+/- 10	Twice (or half) as loud

Does 1 "STC" equal 1 "dB"? Are STC values +/- 1 equal?

- "An STC rating roughly equals the decibel (dB) reduction in noise volume a wall or partition can provide. For example, if an 80 dB sound on one side of a wall/floor/ceiling is reduced to 50 dB on the other side, that partition is said to have an STC of 30" <https://www.moderco.com/stc-101/>

For every doubling of distance, the sound level reduces by 6 decibels (dB), (e.g. moving from 30 to 60 feet away from a sound source) (Mellinger Note: Equates to 1dB per 5 feet)

<https://www.acoustical.co.uk/distance-attenuation/how-sound-reduces-with-distance-from-a-point-source/>

The exterior walls of the dog areas will comprise of 2x6 double stud walls insulated with mineral wool which has a sound transmission class (STC) rating of 45-52—which equates to loud speech not audible to very loud sounds such as musical instruments or stereo can be faintly heard; and 5/8" Sound abatement drywall which has a STC rating of 56—which equates to music heard faintly. Combined a minimum STC rating of 59 (as the combined STC increase is only 25%), which would make loud music barely audible in the next room.

<https://www.stcratings.com/>

According to survey results related to dog barking [2], the barks of all breeds have high-level frequency components from 1000–2000 Hz

<https://article.sciencepublishinggroup.com/pdf/10.11648.j.ijmea.20140201.14.pdf>

The Sound Transmission Class (STC) is a single-number rating of a material's or an assembly's ability to resist airborne sound transfer at the frequencies 125-4000 Hz.

<https://www.stcratings.com/>

Wildlife corridors will not be used due to barking

- Our current property at 114 Litchfield Road is 1.1 acres. We frequently see deer, turkeys, birds, rabbits in our yard near where the dogs are kept and in their outdoor play areas.
- A groundhog lives under the outbuilding that houses a majority of the dogs
- A rabbit burrow is located under our lilac shrub hill that resides 25 feet from the outbuilding and outdoor play area
- We have an active bat house that resides 35 feet from the outbuilding and outdoor play area

Lower Property Values Concern

• Peace and Paws Pet Sitting Services, 163 Gould Road, Hillsboro

Address	2022 value	2020 value	Difference	% Increase
143 Gould Pond Rd	\$143,000	\$104,000	\$39,000	38%
144 Gould Pond Rd	\$200,000	\$171,000	\$29,000	17%
Lot 35	\$200,000	\$123,000	\$77,000	63%
5 Hemlock St	\$149,000	\$102,000	\$47,000	46%

• Healthy Hounds Club Dog Grooming and Behavior Therapy, 55 Kimball Hill Road, Hillsboro

Address	2022 value	2020 value	Difference	% Increase
33 Kimball Hill Rd	\$289,000	\$200,000	\$89,000	45%
65 Kimball Hill Rd	\$627,000	\$525,000	\$102,000	19%
130 North Rd	\$104,000	\$58,000	\$46,000	79%

• Brown Hill Shepherds, 20 Brown Hill Road, Weare

Address	2022 value	2020 value	Difference	% Increase
516 Reservoir Dr	\$241,000	\$203,000	\$38,000	19%
428 Reservoir Dr	\$311,000	\$223,000	\$88,000	40%
424 Reservoir Dr	\$326,000	\$249,000	\$77,000	31%
52 Chase Hill Rd	\$312,000	\$214,000	\$98,000	46%



TOWN OF LONDON DERRY
Building, Health & Zoning Enforcement

268 Mammoth Road
Londonderry, New Hampshire 03053
603-432-1100 ext. 166

COMPLIANCE PLAN AGREEMENT between
TOWN OF LONDON DERRY BUILDING & ZONING DEPARTMENT
and GARY & AMY MELLINGER
114 LITCHFIELD ROAD
LONDON DERRY, NH

OWNERS AGREE TO BE IN COMPLIANCE WITH LONDON DERRY ZONING VIOLATIONS SECTIONS BELOW.

4.2.1 Agricultural Residential District (AR-1) Permitted Uses does not include dog daycare, kennel, veterinary practice, etc.

5.12.2 Requirements for All Home Occupations

K. The following uses shall not be permitted as home occupations:

5. Kennels



2. Definitions:

Kennel: The use of a lot or structure for the containment of four (4) or more dogs, that are more than six (6) months old.

To comply with the above zoning sections, owners agree to own up to three (3) dogs at their residence within one year.

This agreement expires on October 31, 2023

Both parties agree that, should any complaints arise, then enforcement action would start again as of that date. The Town agrees to share any complaints and/or other communication related to this case to the owner immediately.

Owners:	Town:
Gary and Amy Mellinger 114 Litchfield Road Londonderry, NH 03053 garynmellinger@gmail.com 603.505.1129	Norma Ditri Code Enforcement Officer Town of Londonderry 603-432-1100 x166 nditri@londonderrynh.org
	

My name is Ann
and I am a neighbor
of the Mellinger's. I am
writing this letter in hopes
you will grant them a
temporary variance while
they are in the process
of relocating.

I really enjoy
watching the dogs when
they are playing outside
in their fenced in play
yard! The dogs are happy,
healthy and well cared for.

I hope you take this
letter into consideration
when you make your
decision. I have seen
those dogs there well over
a year and would hate

Oct 3, 2022

To whom it may concern,

We are the backyard neighbors to the Mellinger's and the neighbors that are the closest to them and their dogs. We have never seen anyone who loves and cares for their dogs like Taylor and her family do. They have the nicest and spacious outdoor area with shelter, food and water for them all to play around.

All of her dogs are friendly and professionally trained and have never shown any signs of aggression. They are always so happy to greet us.

Please take our letter into consideration and thank you for your time.

Sincerely,

Dan, Lisa & Jackie Allen

3 Maureen Circle

09/29/2022

Hello my name is Jason Coulter & I live at 10 Maureen Circle in Londonderry, NH. I recently received a letter from Taylor Mellinger regarding her dogs at 114 Litchfield Road in Londonderry NH. I have lived at 10 Maureen Circle for approximately 15 years now. My family & I are avid outdoor people that enjoy walking in the neighborhood. I am not sure of when the dogs started to be at 114 Litchfield Road but we have seen them out at times in the morning, afternoon & early evening. We always enjoyed walking by or driving by on our way to & from work to see them running up & down the gated area. They truly bring a smile to our faces. I have never heard annoying barking all day long or at night. They may bark at first sight of us but then they continue to play with the other dogs. The gated area seems to be kept up & clean. No foul smells etc. There is a tent to keep the dogs cool when the sun is too hot & a big water dish. I have never seen them out in the neighborhood or street, they are always in the gated area or away in the house. I also noticed they are not always outside & never out after dark from what I recall. I think Taylor has a huge love for animals especially dogs. She may have a few extra but they all seem very friendly and are not bothersome. Dogs bark when they see something. That's normal. I have no problem with the dogs at 114 Litchfield Road & Thank You Taylor for taking care of the animals & giving them a better home instead of a shelter. If you or the Town of Londonderry have any other questions for me please contact me at any time.

Sincerely,

Jason Coulter

978-815-4495

jwcautoservice@aol.com

J Coulter 09/29/2022

Sept. 29, 2022

To whom it may concern,

We are residents of Maureen Circle and are well aware of the dogs that are at the corner of Maureen Circle & Litchfield Road.

When we approach the dogs they are friendly and non-aggressive and appear to be well cared for animals with good dispositions.

The property is clean and clear of any droppings.

The owners are very mindful of the times the dogs are outside so as not to disturb neighbors.

We are aware that the owners are in the process of trying to purchase property elsewhere to relocate with the dogs.

We would be in favor of allowing the owners a variance in order to be able to keep the dogs at their property until such time that this occurs.

October 2nd, 2022

RE: Dogs at 114 Litchfield Road

To the Town of Londonderry:

My wife, Taylor, and I recently purchased the home directly across the street from 114 Litchfield Road. We own a young dog and frequently walk Maureen Circle which is adjacent to the property in question. Taylor and I also recently welcomed our first child into the world and have been working from home the last few months. We've spent a lot of time during the work week and weekends around our home and are mindful to happenings in the neighborhood. All that being said, I feel like our household would have just as much interest as anyone in the town as to the state of the dogs at the 114 Litchfield residence.

Our experience with the dogs across the street isn't much different than any other residence with a dog or two, in a fenced in area. You don't notice the dogs are at the residence unless they are out in the fenced in lawn. When walking by the property, if the dogs are out, they bark in your direction, and from our house, we can hear when the dogs bark at others. I wouldn't describe the barking as overly loud or for extended duration. We also feel that the dogs are only out in the fenced area at reasonable times. We have never been woken up too early or were unable to rest at night because of the barking.

The dogs themselves, as individuals, haven't been a nuisance to our knowledge. We have never experienced the dogs getting out of their enclosure and venturing to other houses or causing a disturbance in any other sense. I feel if anyone had an issue with the dogs it must be exclusively from their barking. Although they do bark, I wouldn't describe it as excessive or unacceptable for a home that has animals.

In closing, as a close neighbor to 114 Litchfield Road, I wouldn't describe the activities of the dogs at this residence as out of the ordinary for any household with dogs. If any more information regarding this topic is needed by the town, feel free to reach out to my directly via email.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Timothy Goldstone', with a long horizontal line extending to the right.

Timothy Goldstone
109 Litchfield Rd
tgoldstone@gmail.com



Gary Mellinger <garynmellinger@gmail.com>

Fwd: Dogs

1 message

Taylor Mellinger <mellingerts@gmail.com>
To: garynmellinger@gmail.com

Wed, Oct 5, 2022 at 8:29 PM

----- Forwarded message -----

From: Taylor Mellinger <mellingerts@gmail.com>
Date: Thu, Sep 29, 2022 at 7:53 PM
Subject: Re: Dogs
To: leakfixa@aol.com <leakfixa@aol.com>

Hi John! Thank you for this email
I really appreciate it!

On Thu, Sep 29, 2022 at 2:16 PM leakfixa@aol.com <leakfixa@aol.com> wrote:

Sent from the all new AOL app for Android

On Tue, Sep 27, 2022 at 10:08 AM, leakfixa@aol.com
<leakfixa@aol.com> wrote:

This is John Ruggiero I live at 4 Maureen Circle. I love seeing the dogs as I have multiple sclerosis and there right it helps with that disease alot. I stop as I pull in road as I stop and those puppies and larger dogs run to fence to greet me there very helpful to my disease believe me those dogs do help calm me alot. Londonderry please let them stay there, helping me immensely with my battle with this disease. Which is a battle that the dogs help me with. Sincerely John F. Ruggiero, ps I have lived here in Londonderry 30 plus years those dogs are a good thing for me.

Sent from the all new AOL app for Android



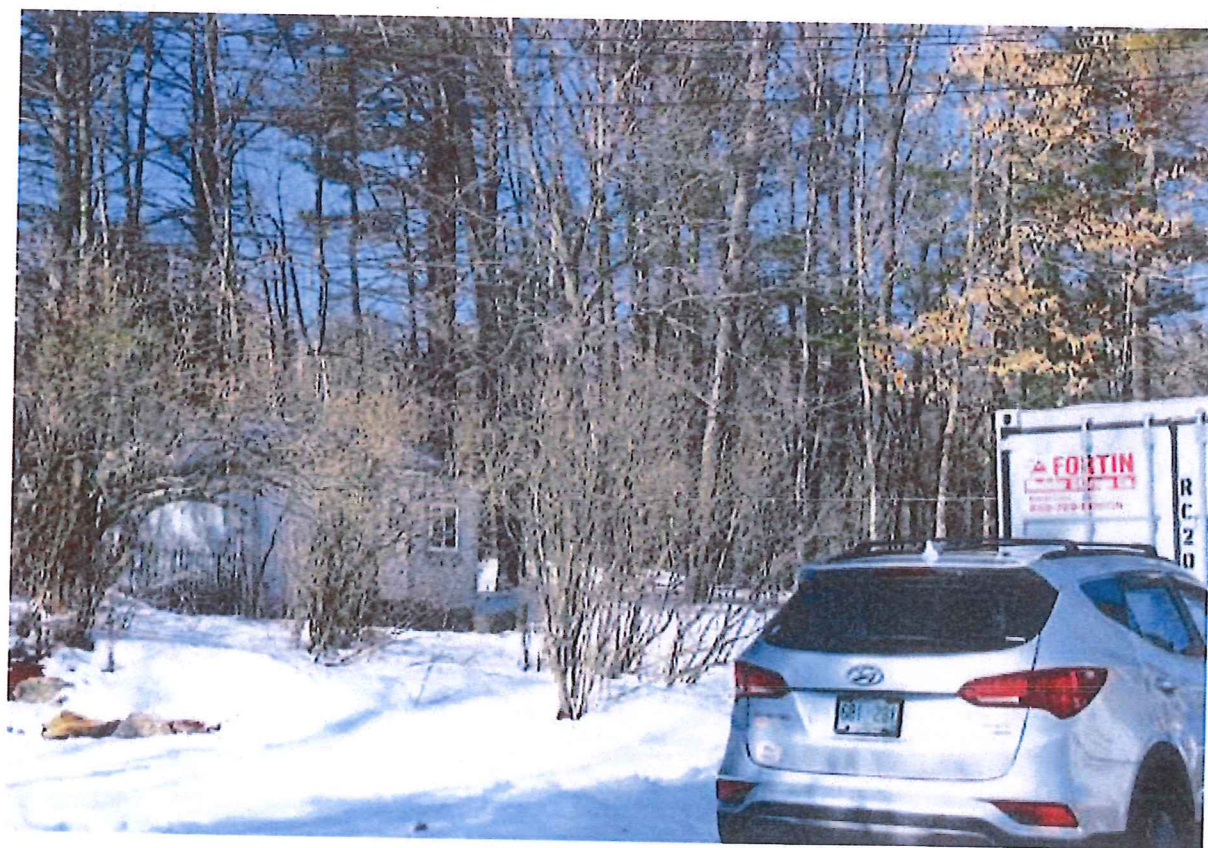












Robert & Kathleen Mihalko
261 Windsor Rd.
Hillsborough

March 3, 2023

**Board of Adjustment
Case No. 2023-02**

The intent of this letter is to address concerns to the proposed Special Exception from Table 4 Chart of uses, Miscellaneous uses, Boarding Kennel in a Rural Zone as outlined in Zoning Board of Adjustment Case No. 2023-02.

Description of Project/Proposal

1. Kennel / dog boarding business to operate on one of the lots
2. Subdivision into 2 or more separate lots whereas 1 dog kennel may be operated and attracted to one Residence.
3. A shared driveway solution.

The opposition to this proposal that my wife and I have is also shared by other residence of Windsor Road both abutters and other families in the area. Windsor Road flows through a rural residential neighborhood and has a single point of access off of Rout 31. The road already sees its share of neighborhood traffic from its residence in both Hillsborough and Windsor as well as traffic from many construction vehicle and workers and visitors to the summer camps located in Windsor.

Areas of Concern

The three main concerns that have been expressed to me are noise, additional traffic and the subdivision of Map 7 Lot 9. While it would appear that these have been addressed it fails to outline other issues that should be noted by the Board.

1. **Noise:** Noise travels a great distance in the woods. While some of this has been addressed for the indoor facility, outdoor runs and play areas still pose the potential for excessive noise. Natural shrubs will do little to curtail the barking of eight plus dogs. In the early morning or later in the evening I can stand on my porch and hear a dogs barking up on the properties in Windsor. The additional concern is that Hillsborough does not have a noise ordinance. Over the years there have been numerous complaints from residence for excessive noise for a variety of reasons from motorcycles and car mufflers to firearms practice. If this proposal should go through what recourse would the residence of Windsor road have with the town in handling these issues.
2. **Traffic:** Please refer *Form D section 2. Criteria, sub section B*: The proposal states that the residence and facility would be located 300-500 feet from the road to address undue traffic congestion, however the setback from the road does not address the actual road traffic as every customer and visitor to the home or business would be required to travel on Windsor road. This would obviously increase the total traffic and wear and tear to the road itself.

I could assume that much of this traffic would be early morning and later afternoon / evening as these would be the typical times for boarding drop off and pick-up. This could potentially cause traffic concerns with residential commuting and bus pickup and drop off for the many school age children in the area.

Form A Section 5 outlines the business as having eight (8) kennels, two (2) whelping areas and a grooming area. The inclusion of the two whelping rooms could mean that there is the potential for two additional female dogs for breeding. A breeding program would

bring additional traffic to the business in the form of potential buyers and clients wishing to see the pups as they develop.

The addition of a grooming room would mean additional traffic for drop off and pick-up and the inclusion of a five (5) vehicle parking area only illustrates the amount of customer traffic that is to be expected at any one time for boarding or grooming.

3. Subdivision: Please refer *Form A section 5: Description of Project/Proposal*. This section outlines as follows.

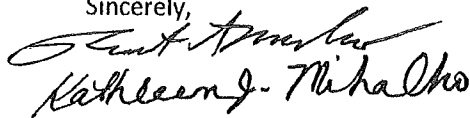
2. *Subdivision into 2 or more separate lots whereas 1 dog kennel may be operated and attracted to one Residence.*

3. *A shared driveway solution.*

The above proposal would leave open future expansion of more than two residence. It would seem that two or more homes in addition to the business would only multiply the traffic impact already addressed above. Also to be considered is that the proposal of 2 or more homes would have a single point of access in that of a shared driveway causing a congestion at that point on Windsor Rd. Additional home lots could also have an environmental impact on the area however that issue is beyond the scope of this letter.

Conclusion: In closing I would like say that we can see why Mr. Coppola would like to move to Hillsborough. Probably for the same reasons my wife and I moved here some 20 years ago. To enjoy the peace and tranquility of the county, to enjoy the acres of woodlands, streams and ponds. Many residence of Windsor road have young children and I cannot think of a better place to bring them up. We have two young grandchildren living on Windsor Rd. ourselves. Hillsborough has much to offer, especially to a young family. However the same reasons we all live here would be disrupted by having a business of this type approved on Windsor Rd. I hope the board will take this letter as well as the many others from our residence into consideration as this proposal moves forward.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert & Kathleen Mihalko".

Robert & Kathleen Mihalko

Note: This letter is to be documented and read at the public hearing on March 13, 2023

From: [Carol Pontious](#)
To: [Robyn Payson](#)
Subject: Case 2023-02
Date: Sunday, March 12, 2023 8:35:47 PM

You don't often get email from 7panther7.cp@gmail.com. [Learn why this is important](#)

Robyn,

As abutting landowners, at 246 Windsor Road, we are firmly opposed to this application, granting a special exemption for a dog kennel. We purchased this property because all we could hear were the birds and the breeze. We do have a shooting range on our property, but we only use it about 4 times a year. We like to be able to enjoy our property, and this includes hunting in the field we own which would run alongside this kennel property. We feel that dogs constantly barking and the scent of all of them would send the animals in a different direction. We have seen bears, moose, coyotes, deer, turkeys, and bobcats. Now let's talk about traffic. The people that fly through the "s" curve that we and the Bed and Breakfast share is bad enough already. No one seems to remember that it is a 25MPH road, and they have no clue how to take their foot off the gas. My husband nearly got hit by a speeder while he was walking across the road for the mail. To increase the traffic would be detrimental to this neighborhood. We have a blind driveway in both directions, and have had some close calls getting out onto the road.

In closing: this dog kennel will not maintain the character of our neighborhood

A barking dog can be heard over quite a distance, never mind 8-12

barking dogs...

Once you make an exception, how do you say no to other applications, or will you set a precedent for other exceptions, that could be even more disruptive

This will affect our quality of life here

Please vote "NO" to this request for this exception

I invite you to share this with the board members, and enter this into the record.

Respectfully,

Todd and Carol Pontious

March 3rd, 2023

Case# 2023-2

To whom it may concern,

My name is Sonya Lyn, a Hillsborough resident and home owner on Windsor Rd. for over 19 years. I had my home built by my father for my family of three children to live in the country quiet which is well worth having an extra drive to stores and commercial, industrial businesses. My belief is that our homes are meant to be a safe haven and sanctuary. A place to balance the effort and ease of life, to onnect with nature and restore ourselves from stress of the modern-day world for our overall well-being.

As a healing practitioner, Life Coach, Yoga, meditation and breathwork teacher and facilitator it is essential for us to maintain peace, a calm nervous system which is our natural state. 95% of illness and disease is stress related and barking dogs takes a toll and wreak havoc on our nervous system. I love dogs, I always have, however after pet sitting some dogs myself over these past few months it stopped bringing me joy when they would bark and bark. I have created a life for myself out here where family comes home from the stress of the military to rest and restore from burnout to just be on the back deck or front porch or walk the country roads with me. They were stressed by the barking dog over the holiday and I for the first time in years was using the "stress word" while watching covid dogs that were super anxious, they have separation anxiety and one even barked at the snow all day. The stillness of a snow day and its beauty while the dog barked non-controllably at it had me wanting to escape my own home. My body was tense, I couldn't escape it my meditation practice and breathwork were drowned out by the torture of the barking dog.

When dogs bark, physically, you feel yourself give a little jump and you experience a sudden sense of tension. That feeling is the autonomic nervous system **speeding up the inner workings of your body**. As the barking continues on, the neurons continue firing and you become increasingly tense.

Years back I had called the police about the noise pollution of two rottweillers on this road that would bark non-stop. I would keep my windows in the magic of the summer days closed to try to escape the noise pollution. I was told there is nothing they can do about it. I had to go inside and close the windows to focus for work because it was debilitating.

As an entrepreneur and officiant, I empathize with Meg Curtis and her bed and Breakfast and wedding venue she has. Couples who are getting married or have had a loved one pass do not invest their money and choose a location in the country to have distractions, they are healing and creating one of the most important days of lives, their wedding day. Not to possibly have it smell like dog feces and have nature's natural elements be polluted by barking, howling dogs.

I shared my profession and my personal values are health and wellness, I am an advocate for mental, emotional, physical and spiritual health. As a retired ultra marathon runner, I walk, jog and get out daily. This past summer I saw my life flash before me as a car was speeding down the hill and crossed over into the dirt where I was walking right in front of me, back onto the pavement and back over again the car was out of control and I was shocked, I slowly walked back home traumatized where I collapsed the trauma because I know how to do so and regulate my nervous system back to balance. It already feels dangerous to cross the stress to get my mail as it is at the bottom of the hill there is speed and momentum and our mail boxes are not allowed on the same side where our homes are. This is residential road with a speed limit of 25 mph not a highway, there is no other outlet on Winsdor road. If we don't have our health and a quality of life what do we have? The world is healing and it takes love for rise of the collective consciousness. When we are stressed we are reactive and not coming from the best version of ourselves, I have learned to fill my cup first, and then put my oxygen mask on to have more love and care to offer myself, loved ones, community and humanity. Stress is survival mode and we are meant to thrive, to Love. love and be. To live an enjoyable life, love ourselves and the community and all and to be our authentic selves, to escape the city and noise, and have a quiet place to go and call our home.

Thank you,

Love and light,

Sonya

I included an article about Why Exposure to Chronic Barking is So Profoundly Debilitating from Barkingdogs.net

Why Exposure to Chronic Barking is So Profoundly Debilitating

<http://www.barkingdogs.net/exposure01.shtml#:~:text=Physically%20you%20feel%20yourself%20give,and%20you%20become%20increasingly%20tense>.

When a dog barks, he creates sound waves. Sound waves are real physical entities that have a real physical effect on our bodies. We can't see them, but they are there and they carry the output of the barking dog to the sensory hair cells of our ears, which then carry the report of the sound into our brains. The brain, in turn, stimulates the ANS, which makes us feel tense.

Hormones are chemicals manufactured within our bodies. Under certain conditions, those hormones are released into our blood streams by our body's various glands. Different hormones do different things. They regulate our growth, our metabolism, our sexual desires and our sense of well being and distress. While the ANS makes us feel tense, it is the endocrine system that makes us feel anxious when we are in close proximity to a barking dog. That's not surprising really. The hormonal (endocrine) system is regulated by a primitive part of the human brain that seems to respond instantly to the primitive threats and messages of desperation that are implicit in the voice of a chronically barking dog. That's part of why barking drives people wild.

To really appreciate the impact that chronic barking has on your autonomic and endocrine systems and, thus, your emotional state, you must also factor-in the length of time required for our bodies to return to normal after an acoustic shock like that which we receive when a nearby dog releases a loud, sudden, percussive burst of barking. If it happens only once, you may return to normal in a matter of seconds. However, with each additional episode of barking, your systems fire-up more quickly, and it takes a little longer to return to baseline. If it happens frequently enough, you will still be wound-up from the last outburst when the next one hits, with the result that you will be forever tense, and at no point will you ever be able to become truly relaxed in your own home.

Some people have an autonomic nervous system that works like greased lightning, while others have a relatively sluggish function of the ANS. The more readily your ANS fires up, the faster your endocrine system will kick in, and the longer it will take your body to return to a relaxed state after you are exposed to a flurry of barking.

When the federal government wanted to push the Branch Davidians to the breaking point in the siege at Waco, they bombarded them with sound, including the sounds of animals in distress. When the U.S. military wanted to drive Manuel Noriega from his sanctuary in Panama, they used the same strategy, because they knew that chronic noise is an intolerable irritant that drives people frantic.

The owners of barking dogs will sometimes tell you that the fact that you are bothered by the sound means you have some deep psychological problem, but it is not so. It is normal and natural for people to be irritated and upset as a result of exposure to sound, especially loud, sharp sounds that erupt suddenly and without warning.

When you think of all the varieties of suffering that exist in prison, it is significant that for many, the most difficult aspect of incarceration is the misery that comes from being exposed to the high noise levels. Chronic noise is just very tough on people.

When chronic noise rings throughout your home, as it does with a barking dog, it is even more upsetting than it would be if the same noise occurred in a different setting, because your home is your place of refuge. It is where you go to get away from the relentless hammering of the outside world. If you cannot find refuge in your own home, then where are you to go?

An Unnatural Sound

Wolves, from which dogs are descended, do not bark with the same continuous, explosive, non-stop stream of noise we get from today's dogs. In his book, *Dogwatching* (Crown Publishers), Desmond Morris describes the barking of the wolf as being "modest and abbreviated." He says, "Wolf barking is not particularly loud, or particularly common, and is always monosyllabic. It is best described as a staccato 'wuff' sound. It is usually repeated a number of times, but it never develops into the noisy machine-gun fire so typical of the wolf's domestic descendants." In other words, dogs bark louder, longer, more frequently and in a more percussive manner than the animals from which they are descended.

The explosive and persistent bark of the modern dog, then, is not an abomination of nature. It is an abomination of man. For some reason, some of our ancestors thought that when it came to barking, more is better. So across the millennia, some of those who came before us bred dogs in a selective manner to create today's modern bark of

excessive dimensions. You can see then that the barking we hear today is not truly a natural sound. As Morris says, the voice of the modern dog is the result of "ten thousand years of selective breeding" to produce the "superbarker" we have today.

Human Nature

Think of a room full of people who are emotionally subdued. If a charismatic, life of the party, always knows what to say, joke telling personality blows into the room, he can single handedly liven the place up and shift everybody into a positive mood. On the other hand, just one person who is angry or desperate or frantic, or one couple sniping at one another, can drag everyone's mood down and spoil the party. That's the nature of people. We are social animals. Most normal, healthy people have a very strong tendency to absorb the mood of those around them.

Now, think about the message a dog is sending when he barks. Either he is angrily shouting out threats to do bodily injury, or screaming out that he's lonely and desperate, or shouting out a frantic alarm. The function of those sounds is to agitate the listener, to force you to pay attention and make it difficult for you to focus on anything else.

Of course, there is also the sound of a happy canine at play, but when the next door neighbor's dog is barking all day, that's not the bark you're listening to. What you are hearing is the dog expressing rage, sorrow, desperation or a frantic state of mind. It is just human nature for us to absorb those feelings and be drawn into the dog's chaotic emotional state.

It is no wonder then that most people find it upsetting to be forced to listen to a barking dog. I'm sure it is worse yet for those who are tuned-in enough to dogs to be aware of the underlying desperation that drives chronic barkers to cry out endlessly.

Imposing a Fundamental Change in the Essential Quality of Life

Think of all the TV shows and movies that have ever been produced. If you added those up, surely they would come to an enormous number. Yet there has never been a single production that featured an off camera dog, unrelated to the story, that barked frequently throughout the show. To a large extent, theatrical productions mirror real life. You can find some show that reflects every conceivable aspect of daily life, but no production has ever been set with a chronically barking dog in the background. The only television shows that ever have dogs barking continually, throughout a scene, are the reality based shows like COPS, where they take a camera out to the streets and record real-life events as they occur. Since chronic barking is a common element in real life, doesn't it seem odd for that one particular facet of our daily existence to be so totally

excluded from depiction on the screen? It shouldn't; there are reasons why dogs never bark frequently in Hollywood.

The sound of a barking dog in the background would make every show less enjoyable. The nuances of the spoken word, like the strategic timing of a key line, would become difficult to manage. No comedy would be as funny and no romance would be as touching. No drama would be as absorbing. Every minute the viewer watched he would be struggling to push from his mind the tension and anxiety that are part and parcel of the chronic barking experience. The sound of frequent barking would change the essential experience of making and watching the show, just as the dog barking next door changes the essential nature of our homes and the way we experience daily life within them.

Creating Limits On the Use of Your Property

One of those things we all discover as we get older is that the way things are officially, and the way things are in reality, are often very different.

Officially, we all have the right to the "quiet enjoyment" of our property. That means your home is your castle and, at least in terms of legal theory, you have a right to expect quiet in that space. It also means, that, with a few exceptions, your neighbor does not have the right to do anything on his property that will interfere with your right to maintain and enjoy a quiet home. That's the theory, but the theory goes all to hell as soon as we factor in the barking laws, which are almost always next to impossible to enforce.

Where the anti-barking laws are unworkable, the neighbor with the barking dog is, in effect, absolved of all responsibility to control the animal. That means that, in real terms, the neighbor has a right to keep a barking dog, and that negates your right to the quiet enjoyment of your property. It's sideways. The irresponsible neighbor is awarded a de facto right he's *not* supposed to have, which negates the right that the rest of us *are* supposed to have.

If your neighbor takes advantage of the Catch-22 nature of the barking laws and keeps a dog that barks frequently, you have no choice but to surrender to the dog much of your control over how your property is used. No doubt about it, under that circumstance the neighbor's dog is in the driver's seat. By barking, he can at any time force you to stop what you are doing, but you have no way of influencing his activities. So you must follow his schedule. You are powerless to force him to follow yours.

You can't call over the fence and make arrangements with the dog when you want to take a nap. You can lay down and close your eyes, but you can't sleep unless the

neighbor's dog is in the mood to let you sleep. You may be upset and need a quiet place to pull yourself together, but the dog will determine whether a quiet space is available.

You may decide you want to work out of your house while telecommuting to the office. But you can't make an important business call with a dog barking in the background and you can't get your work done when every room in your house sounds like ground zero of the kennels of kingdom come. So it's not up to you. Rather, it will be the neighbor's dog that determines whether you make a long, expensive commute into town or spend your work days at home with your family.

It's no problem for you when it's *your* dog barking. If your dog's barking interferes with your plans, you can bring him in the house or take other steps to quiet him. When it's your neighbor's dog, it's an altogether different story. When your neighbor's dog fills your house with noise, it is you and not the dog that must make the accommodation. As odd as it sounds, it's true; while you control your *dog's* life inside your house, it is your neighbor's dog that controls *your* life inside your house.

You can't do anything inside your home that is inconsistent with what the neighbor's dog is doing outside. If he barks frequently, you can't relax at home, nor can you study, work, concentrate or have a mellow conversation or a tender moment. The neighbor's dog is in charge. He will not adjust his vocalizations to accommodate you, so you have to work your activities around him.

You can't have friends over for a quiet dinner. Dinner perhaps, but a loud, chaotic dinner is not quite the same thing. You certainly can't invite guests for an overnight visit and then situate them in a room where the neighbor's dog makes sleep impossible. And God help you if you must endure an illness in a sick bed dominated by the endless tyranny of a barking dog.

What's it worth to be able to sleep, nap, work, relax, concentrate, entertain and recuperate in your own home whenever you wish? What have you lost when an irresponsible neighbor takes that away from you? I can show you million dollar homes where the occupants can't rely on doing any of those things because the behavior of the neighbor's dog prohibits them.

Of course, the barking is merely the manifestation of a problem. The actual problem is the dog's owner who refuses to take control of his pet and, thereby, creates a situation in which much of the control of your life is transferred from you to his dog.

By controlling how much sleep and rest you get, your neighbor impacts your health. By controlling whether you are tense or relaxed, he transforms your psychological state. By controlling your ability to work at home, he impacts your financial condition and, thus,

your future. When your neighbor so strongly influences your health, psychological state and financial well being, he holds heavy sway over the quality of your life and impacts the fabric of your relationships. I think it is seldom recognized how sweeping is the damage done by people who leave their dogs to bark unchecked.

Sleep In the Realm of the Irresponsible Dog Owner

Having a barking dog nearby turns your life on its head, especially when it comes to sleep. For most people, sleeping is the easiest thing they do all day, but when you must sandwich your rest between outbursts from a barking dog, the nocturnal hours become a dreaded ordeal. In the land of abusive barking, you go to bed tense and you wake up exhausted.

You may spend eight hours in bed and still only get three hours of sleep. You may lie there most of the night, watching the clock tick your life away, waiting for the dog to stop.

If he barks three times you'll wake up three times. If he barks ten times you'll wake up ten times. If he barks continuously you won't get any sleep at all. You can waste hours in a single day just getting up and lying down as you try to work a nap or a night's sleep around a barking dog. Those are wasted hours in which you don't have any fun. You don't get any work done. You don't get any sleep. You don't get relaxed. You don't learn anything. That time is stolen from you, and it's gone forever.

It's really maddening when you consider that the dog's owner could bark train the beast with a mere ninety minutes worth of effort, which is a fraction of the amount of sleep you may be losing in a single night.

If You Have A Toddler

If you have a toddler who wakes up easily and is difficult to get back to sleep, and your neighbor has a barking dog -- just kill yourself. Get it over with.

Work In the Universe of the Crowing Canine

As the commutes get longer and the computer technology gets better, there is a definite trend toward people working at home. Every year there are more of us doing it. All you need is a telephone, a computer, and a quiet place to hunker down.

When you work in a quiet house, you can think deeply and become absorbed in a state of sustained concentration. Just as important, you can plan your activities, which lets

✓

sleep, you are more likely come unglued than you would be if you'd had plenty of rest. If, in addition to not having enough sleep, you are also hungry, then you are more likely yet to be unhinged by a stressful situation, such as someone being rude. If you are under-slept and hungry and in pain, the odds are still greater that you will cope poorly with stress. If you are under-slept, hungry, in pain, your shoes are too tight and the room is hot and noisy, the odds are ever greater that you will be thrown into disequilibrium when something goes wrong.

The point is that anything that injures you, drains you, distracts you, impairs your functioning or keeps you from getting your needs met, will render you less able to cope with life's events. The more of these sorts of negatives you are exposed to, the less well you will be able to roll with the punches, because your capacity to do so is diminished by their presence. If adaptive negatives are in your environment in substantial numbers, you will be overwhelmed by them.

Therefore, any deficits you have, in combination with any stressors you encounter, will impact your potential to maintain equanimity as you deal with the problems and challenges of everyday life.

Maybe you suffer from chronic pain or depression or anxiety or some other similarly distressing condition. You may have noticed that your condition fluctuates, sometimes getting better and sometimes getting worse. If you start to watch for it, you will probably find that your symptoms either improve or deteriorate, depending on your level of resilience.

Since resilience is a reflection of your level of adaptive capacity, you can minimize your symptoms and maximize your level of functioning by keeping your adaptive capacity as high as possible. The best way to do that is to make sure you eat well and get enough rest, have enough fun and get enough sleep. Also, take care to remove from your environment those stressors that sap your potential to adapt.

Exposure to barking reduces your adaptive capacity by interfering with your sleep, rest and relaxation while simultaneously serving as a stressor that draws down your reservoir of resilience. Because barking saps your adaptive capacity, you may well find that the symptoms of the ailment from which you suffer are much worse in an environment where you are exposed to frequent barking. Anyone who has ever had to live near a hypervertbose canine can tell you there is no situation so bad that it cannot be made worse by the presence of a barking dog. In fact, it is safe to say that any distressing event will be more traumatic when experienced in the vicinity of a barking dog and any potentially enjoyable event will be less enjoyed.

you work very efficiently. But you can kiss all that goodbye the day your neighbor decides he's too broke to buy an electronic collar for his dog, and too busy to train his new companion.

Trying to arrange your work around a barking dog is pretty much like trying to sandwich your sleep in between episodes of barking. Scheduling your time becomes impossible. When the dog is quiet you work, when he sounds off you take a break. If he barks all day, you don't get any work done and you don't make any money.

Relaxation in the Zone of Barking

There *is* no relaxation in a zone of barking.

Sex in the Land of the Howling Hound

Not unless you find it arousing to make love in a kennel.

Illness Within Range of a Superbarker

For many illnesses, the keys to recovery are rest, relaxation and sleep, none of which are possible in close proximity to a barking dog. So, for many, the course their illness follows is determined by the behavior of the neighboring canine.

Too much barking will make you sick as a dog. That's something the authorities need to keep in mind as the population ages, hospital rates rise, and there are ever more ill, elderly people lying in their beds, much too sick to organize the neighborhood for a legal action against the dog's guardian.

A Cur's Diminishment of Adaptive Capacity

A person's resilience can, perhaps, be best defined as their potential to regain their equilibrium following the introduction of a stressor. Therefore, the more resilient you are, the more readily you will be able to bounce back and regain your composure after something goes wrong. All of us have a certain capacity for adapting to stressful events with equanimity, but our capacity to adapt is not limitless. Anything that draws down your capacity leaves you less able to cope when additional events further tax your reservoir of resilience. Let's look at this phenomenon in real-life terms and then relate it to chronic barking situations.

If someone is extremely rude to you, will you become upset by it? Well, that depends. If everything is going great and nothing is bothering you to begin with, then you will probably be able to easily maintain your equilibrium when someone behaves provocatively. On the other hand, if someone is rude to you and you haven't had enough

1-2 miles to distant barking dog sounds and vibrations carry (travel) 10

Wednesday, March 8, 2023

Town of Hillsborough

Zoning Board of Adjustment

PO Box 7

Hillsborough, NH 03244

RE: Case # 2023-2

Dear Zoning Board:

I am a third-generation property owner of a residence and acreage bordering Windsor Road.

This letter advises the Town of Hillsborough of my stance on the proposed re-zoning and accompanying subdivision of Map 07 Lot 09.

Let the record show my objection to the requests (1) to change the lot from Residential to Business, (2) to the operation of an animal kennel business, and (3) to the subdivision of the property.

My assertions are as follows:

1. As an historic farming community, most of our residences are built along the road and an increase in traffic volume as customers arrive and depart for business purposes, presents a direct impact to the quiet use and enjoyment of our homes.
2. In the case of an animal kennel, barking dogs can be relied upon to alert often with the arrival and departure of other dogs and patrons. Barking dogs will disrupt the quality of life for residences as well as potentially drive wildlife of all sizes into the road, presenting an increased risk to drivers, pedestrians and our array of wildlife which support our local ecosystem.
3. Hillsborough has a sizable business area where individuals seeking to improve our economy and their business prospects, can establish their business models without negatively impacting the tax-paying community of residents.
4. The future of Hillsborough growth relies on multiple factors. As individuals seeking larger properties enter the community, protection of the attraction of those properties should be in place. Business and residential markets should each be protected so that the tax benefit remains robust to the state and our community.

Please read aloud and document this for the hearing.

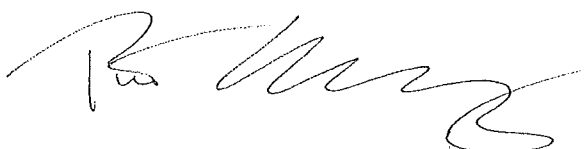
Sincerely,

Peter Eckberg

Marcia Brier

143 Windsor Road

Hillsborough, NH 03244

A handwritten signature in black ink, appearing to read 'Peter Eckberg', with a stylized, flowing script.

Wednesday, March 7, 2023

Hillsborough Zoning Board of Adjustment
PO Box 7
27 School Street
Hillsborough, NH 03244
RE: Case #2023-02

Dear Zoning Board Members:

I am a property owner on Windsor Road (Map 07 Lot 122) though I do not reside at that physical location nor does my property directly abut the property for which a Special Exception has been applied for in Case #2023-02. That case involves the property identified as Map 07 Lot 09.

My grandparents, parents and now my brother have been residents (either part-time or full-time) of the nearby property at 143 Windsor Road since approximately 1947.

I write to share my concerns with the Special Exception applied for by Gary and Amy Mellinger who are not yet the owners of the identified property. My understanding of the request based on information presented in their application is that they desire to:

- 1) Operate a home business (note that the property is currently undeveloped) consisting of a dog kennel/boarding operation;
- 2) subdivide the 21.7 acre property into two (2) or *more* lots, and
- 3) provide a single, shared driveway from Windsor Road onto the property in whatever subdivided status they may eventually be approved for.

My understanding is that the ZBA has decision authority over item 1) above but that the Town Planning Board has decision authority over items 2) and 3) above. Therefore, I will restrict my comments to the request to conduct a home business at the identified location. My concerns include, but are not strictly limited to several issues which include :

1. Under Sec. 229-50.C. Special Exceptions the Board must consider a number of enumerated issues which importantly include
 - i. Whether the requested use will or will not create undue traffic congestion (sub-part b)
 - ii. Whether the requested use will be detrimental to or out of character with the adjacent neighborhood (sub-part f)
2. The traffic volume on Windsor Road is already very high and the proposed home business would clearly *increase* the amount of traffic as numerous customers would enter and exit the property via Windsor Road - likely from outside the population of residents already established on Windsor Road. This increase in traffic volume is both a safety and disturbance concern for those living along this small, already busy, rural road.
3. The exact nature of the proposed kennel/dog boarding business is not completely clear so it is somewhat difficult to completely envision the impact that numerous dogs coming into the neighborhood and staying for the day, overnight, or for extended periods of time will have. It is, however, *certain* that there will be an impact. The applicants have gone to lengths to describe certain aspects of the proposed building which they claim will provide some sound deadening effects (only while animals are contained within the building). However, it is obvious that dogs

will be spending a great deal of time outdoors and they will be barking – its what dogs do. While this is not a “hazard to the health, safety, or general welfare of the public” to use the language of sub-part f, it is clearly “detrimental or out of character with the adjacent neighborhood.” – also the language of sub-part f.

It is clear to me that this proposed home business will, for a variety of reasons, be disruptive to the quiet enjoyment of the existing rural nature which is the current experience and expectation of residents along Windsor Road.

For these reasons, I encourage the ZBA members to vote “NO” on this request for a Special Exception.

Please read aloud and document this for the hearing of Case #2023-02 before the Zoning Board of Adjustment..

Sincerely,

Stephen Eckberg

Stephen Eckberg
PO Box 14
Contoocook, NH 03229

Robyn Payson

From: Kalley M <kalley.j.mihalko@gmail.com>
Sent: Tuesday, March 7, 2023 4:44 PM
To: Robyn Payson
Subject: Attachment [Letter zoning board] Windsor Road

You don't often get email from kalley.j.mihalko@gmail.com. [Learn why this is important](#)

Hello Robyn

Enclosed is my residential letter to the planning board for the upcoming hearing for the rezoning request to Windsor Road lot for the Boarding Kennel.

Kalley Mihalko
287 Windsor Road^[1] Hillsboro NH 03244
603-608-6200

March 6th 2023

RE: Board of Adjustment - Windsor Road Dog Kennel Project & Subdivison
CASE No. 2023-02

This letter is in opposition of the proposed Dog Kennel Business & Residential subdivision on Windsor Road (Map 7 Lot 9). I am Kalley J Mihalko the residence of 287 Windsor road with my family, that is just one house down from the abutters Casey & Dominic Sweets. My parents are also abutters that are in opposition that live on 287 Windsor Road. The intent of my letter is to opine the request for the proposed special exception being requested to take the current Table 4 Chart of uses, Miscellaneous uses to zone this property for business intent of a Boarding/Training facility in our Rurally Zoned peaceful Neighborhood.

I am a remote satellite employee of a fortune 500 fast pace company.

Areas of Concern:

Influx of Noise & Disturbance

Working from home I keep my windows open during summer and am always on the phone with my business partners and customers and cannot be distracted with constant noise of a kennel and dogs barking while trying to maintain conference call. Our neighbors have dogs that occasionally go outside but are able to control the noise for me to work. Again the reason I purchased a home out here was to be close to my parents and to be rural to be able to work my job without interruption.

The largest issue is the noise, as there will be outdoor dog runs and a breeding facility, noise travels out here. The amount of noise of cars in and out dropping and picking up dogs, or training. Once one dog barks they all bark. A few of our neighbors also have a couple dogs and will send them spiraling, I do not want to hear constant dog barking while trying to do my job during the day, let along after hours and weekends and when we have outdoor cookouts and special birthday parties. It breaks the entire feel of rural and peaceful here.

Un-Needed Influx of Dangerous Traffic

The road already is known to have current issues with speeding violations (Hillsboro PD has put a speed trap in the area (Nov-Jan) and the road is known for overflow of traffic as there is only one entrance and exit point of access for Windsor

road. We own horses in our quiet setting and the traffic volume and speeding is so bad here, we can't even ride our horses on this road as it is. (This is zoned residential, rural for a reason, we are already dealing with that) Windsor Road is also shared not only with the town of Hillsboro but its neighboring town Windsor NH. It is used for direct access to visitors for the summer camps at Wediko along with the other construction taking place in Windsor. This road needs to be safe for the children to walk, currently I have 4 kids at my home there is not a sidewalk and they will be the ones that have to walk back and forth to the bus stop and to their grandparents house, just pass the proposed Dog Kennel. The additional traffic is not needed when we purchased our home to be rural and residential out here with our fellow neighbors.

Home Value Depreciation

Our homes are zoned residential, upon subject of approving such change in zoning you are placing the surrounding homes and residence to depreciate the value of their homes. We purchased here again to be rural and residential, and not to be on a road with a business facility. If we would want to resale our home in the future we now have to deal with the depreciation of value and the noise of a business facility along with the influx of traffic in a residential road. This is not acceptable to the surround residents and oppose this facility being at this location.

Subdivision Request

I echo the same sentiments as my parents, Please refer to Form A Section 5 for the description of the Project Proposal. The Subdivision into 2 or More separate lots are being proposed for future expansion. with a shared driveway. This is in opposition as well for future expansion of more than two residence with out having a street nor set back from the road causes again additional noise and in flux of traffic coming in and out of Windsor Road. Additional homes with approved subdivision could impacts on our well water out here.. where they are having a large proposed Kennel in conjunction with selling off lots for subdivisions. ^[LTL]_[SEP/SEP]In closing:

I agree I can see why this area is desirable for relocation, it is beautiful, peaceful and rural. Thats the reason we came here as well and we want to keep it that way.

Its just not the place for a business facility to change the zoning that impacts the rest of the residence that already live here. The considerations would be best suited for a residential home only, as zoned and already planned for.

Thank you, kindest regards.
Kalley Mihalko

Wednesday, March 1, 2023

Town of Hillsborough

Zoning Board of Adjustment

PO Box 7

Hillsborough, NH 03244

RE: Case # 2023-2

Dear Zoning Board:

We are not abutters to the property on Windsor Road (Map 07 Lot 09) but we do live on the road and have been here for going on forty years. We object to the request to 1. Change of residential to business 2. Having a dog/kennel business in this area 3. Dividing the property into two lots.

1. We live and love our residential community. Many have moved here because of the neighborhood quiet and friendly neighbors. We do not want any businesses in this area.
2. Barking dogs are upsetting to other animals who already live here and to people who like to sit outside and enjoy the nature around them. You can't stop dogs from barking!!!
3. Our road is one way in and one way out and traffic is heavy as it is. Allowing businesses to come into the area will create more traffic and we have issues with speeders constantly as it is.

Please read aloud and document this for the hearing.

Sincerely,

John and Marianne Hammond

56 Windsor Road

Hillsborough, NH 03244

