

# RANDOLPH BOARD OF ADJUSTMENT

Minutes of Meeting  
August 24, 2023

Members Present: David Ruble, Robert Leclerc, Paul Cormier, Bill Parlett, and Robert Harris

Members Absent: Guy Stever and Robert Onacki

Public: Steve Teczar, Lisa Teczar, Barbara Arnold, Bill Arnold, Sarah Clemmitt, Jennifer Barton-Scarizza, Tim Mather, Laura Archambault, Anne Barschall, and others

David Ruble called the meeting to order at 5:30 pm.

Paul Cormier was the alternate filling in for Guy Stever.

## **Public Hearings**

David Ruble opened the public hearings at 5:34 pm.

### **Town of Randolph**

Paul Cormier recused himself from the Board to present the request for a special exception for a freestanding solar array that the Town of Randolph would like to install behind the town buildings. Mr. Cormier noted that he is a member of the Energy Committee and that he was asked to represent the Selectmen for the Town in this case. They are proposing to build a 20kw solar array, which will start at the generator on the eastern side and go down 90 feet to the windows. The array will be 15 feet deep and three feet off the ground, with a 40-degree angle to the back. It will be basically invisible from the road, and is well within the setbacks. The array is totally passive, with no motors, noise, lights, vibrations, or odors, and will not be in the way of any traffic patterns. Mr. Cormier read NH RSA 674:14, which states that the purpose of the zoning ordinance is to encourage the use of renewable energy sources. Mr. Cormier noted that it would be a great benefit to the town, and the hope is that it will be big enough to power the town office and library. They also plan to have an electric car charging station, which will be pay-per-use, in the future. If all goes well with this system, they may also consider the same for the town garage.

Mr. Cormier stated that there is no backup, as they already have a generator as backup. A Board member asked about rebates, and Mr. Cormier advised they are working on a number of grants. Barbara Arnold spoke in favor of the solar array, noting that her electric bill has been reduced with her system, and it would cut costs for the town.

Robert Leclerc asked what the average electric bill is for the town, and Richard Umiker stated that he was not sure, however the change in lighting has already saved about 46% on what they were paying, a total of about \$1,100.

When asked how many hours in a day it would produce electricity, Mr. Cormier stated that it will produce even on shady day, just not as much. It would not produce any at night, and little in November and December.

**On a motion by Robert Harris, seconded by William Parlett, the Board voted unanimously to approve the Special Exception for the Town of Randolph for a freestanding solar array at 130 Durand Road, Lot 42.**

Howard and Susan Wemyss

Howard Wemyss advised that he is applying for a special exception for his property at 205 Randolph Hill Road for a ground mount solar array in his yard. It will not be visible from the road and is an expansion of his existing system, which is a roof mount. Mr. Wemyss advised that he currently has 7kw, and will be adding 5.5kw. It will be 40 feet long and 7-8 feet tall.

Mr. Wemyss noted that he will be writing a letter concerning the process of applying for special exceptions for solar systems, as the town should be encouraging the use of renewable energy. The Board noted that there is a petition for the next Town Meeting to pull this section from the Land Use Ordinance.

Bill Parlett spoke in favor of granting the special exception, as it will not be visible from the road or the house, and stated that you could not ask for a better location.

**On a motion by Robert Leclerc, seconded by Bill Parlett, the Board voted unanimously to grant the Special Exception for a ground mount solar array to Howard and Susan Wemyss for their property at 205 Randolph Hill Road, Map U3, L2.**

Nathaniel Adams and Kristen Neufelder

Nathaniel Adams passed out information about their dogs to those present. (See attached)

Mr. Adams advised that he and his wife are applying for a special exception for a kennel at their property at 56 High Acres Road. Mr. Adams stated that they purchased the property in July of 2022, but moved in this April. The criteria around a kennel changed in the Land Use Ordinance in March. Mr. Adams stated that he currently has eight dogs, and one extra dog staying with them as a guest. Mr. Adams stated that the dogs are all housed inside, with the younger ones in the garage, and the older three in the house. The garage doors are opened during the day and closed at night. The dogs are for personal use for dog showing and dog sledding. It is not a commercial business. They are not breeders, only having two litters in the last ten years. Mr. Adams stated that they only breed for breed preservation.

Paul Cormier noted that they have already been running a kennel without the special exception. Mr. Adams noted that the additional Land Use requirements were added after he purchased the home.

David Ruble asked what the maximum number of dogs is that they would keep. Mr. Adams stated that they do have plans to race, and would need 6-12 dogs for a team. Mr. Adams stated that they will never have outside boxes for the dogs, so they are limited to the number of cages that will fit in the garage, and would have to apply to build another structure to house any more than 12. Mr. Adams stated that they are also limited to the number of dogs they can afford, as they have a high standard of care. Mr. Adams stated that the dogs do not typically bark, and there have been no complaints during the time they have been there.

Paul Cormier asked where they run the dogs, and Mr. Adams advised that they truck them to the rail trail. Equipment is stored in the garage. Mr. Adams advised they have a fenced in area in the yard to keep the dogs from getting loose. This area is on gravel, to reduce the chance of tick-borne illness.

Bill Parlett recused himself from the Board, to participate in the hearing as a property owner.

David Ruble stated that he did a search to see if dog kennels reduce property value, and was unable to find any literature showing that it does. However, noise does decrease value.

Bill Arnold asked about the fencing in front of the garage, and how Mr. Adams plans to remove snow this winter. Mr. Adams advised that he would use a snowblower.

Steve Teczar read a letter signed by neighbors with concerns about the dog kennel. (See Attached Letter)

David Ruble noted that the Land Use Ordinance does have a section on noise which is comprehensive.

Bill Parlett noted that the neighbors are requesting a response in writing, as nothing is binding unless it is in writing. David Ruble stated that Mr. Adams has put forth a well-documented application and he has no intent to respond to all of the neighbors with a letter.

The Board noted that conditions can be placed on an approval, including the number of dogs.

A member of the public noted that the original application was on the form requesting a variance, not a special exception. David Ruble noted that the town website did not have the application for a special exception available, so the variance application was filled out. Mr. Adams was asked to put it on the proper form, which he did.

Laura Archambault of 72 High Acres Road stated that noise was her main concern. Paul Cormier noted that the dogs have been there since April, with no problems so far.

Lisa Teczar asked if the noise would increase in winter. Mr. Adams stated that the dogs do get excited when they get hooked up to the sled, but this would be done on the trails, not at the house. Sarah Clemmitt asked if they would be on the snowmobile trails and Mr. Adams advised they would be.

Tim Mather noted that the town has an ordinance and repercussions for noise issues, and this should not be a big focus. Mr. Adams stated that if they had problem animals, they could be rehomed or debarked.

Richard Doyle of 385 Randolph Hill Road noted that these dogs need to be acclimated to severe weather and stated that housing them indoors would not be in their best interest. Mr. Adams disagreed, stating they are genetically acclimated to the weather; however, they would be sensitive to that in the winter.

Sarah Clemmitt noted that if the special exception does pass, that she would like to see stipulations on the approval.

June Hammond Rowan noted that the stipulations or conditions should be clearly defined, as the special exception will run with the land should it be sold in the future. There are procedural ways to give clarity and provide parameters. Paul Cormier disagreed, stating that a variance goes with the property, but a special exception with the use. The Board will get a legal opinion on this.

Bill Arnold stated that he has not heard any barking, in fact it has been quieter this year than others in the past. Mr. Arnold asked about waste.

Bill Parlett noted that the burden of proof rests on the applicant.

A neighbor across the street from Mr. Adams, Mrs. Ruppel, noted that she never hears the dogs.

Jennifer Barton-Scarizza asked if Mr. Adams has plans to build trails on his other lots. Mr. Adams advised he does not.

In response to the question about waste, Mr. Adams advised that all waste is picked up, bagged and put in lidded container, and goes out weekly in the trash. Mr. Adams advised he would like to find a composting facility. Mr. Adams noted that the replacement of the septic system at his home is for the house, not the dogs.

Sarah Clemmitt asked what the upper limit of waste collection is. Bill Arnold noted that he was told years ago that cat litter was not allowed. Mr. Adams noted that whether it is picked up, or he finds a waste company to take it, it all goes to the same place.

Mr. Adams spoke concerning food storage, and noted that all food is stored inside the house in airtight containers.

David Ruble asked for any members of the public who would like to speak in favor, and Mrs. Ruppel, an abutter across the street stated they were not concerned about any of these items.

Bill Parlett spoke, not for or against, but stated that it is possible to have a kennel with conditions and restrictions.

It was noted that in the summer of 2018, a community conversation was held, and the residents were asked what was most valued in Randolph. The answers were landscape, fresh air, and quiet. High Acres Road is quintessential Randolph and should be preserved. (See attached)

Bill Parlett noted that huskies are a vocal breed, and if inside with proper mitigation it is not a problem. However, outside it may be. Mr. Parlett distributed a fact sheet on why huskies are vocal. (See attached)

A member of the public asked if they are in violation of the ordinance now, and there is no enforcement now, why would there be in the future.

A member of the public asked if they would be notified again if there were to be more dogs and another structure built. The Board advised

neighbors would be notified if there was a change of use, but not for a building permit.

A member of the public asked about the fact that Mr. Adams owns three lots, and asked if he could keep 5 dogs on each without the special exception. David Ruble advised this would be another question for the town's attorney.

It was noted that the public hearing notice stated that the special exception was for 56 High Acres Road, Lot 19, however the residence is Lot 20 on the map. June Hammond Rowan stated that the exception would be tied to the address, and suggested that the map and lot numbers be included on the application forms.

Steve Teczar noted that there are two critical things to consider which are ambiguous, whether it is appropriate for the neighborhood and whether it will affect property values. David Ruble advised that it is virtually impossible to prove a negative, however there does not seem to be a correlation between kennels and decreased property values.

Bill Arnold noted that there is a precedent for kennels on High Acres Road, as a previous homeowner used to have show dogs at the end of the road.

Ann Barschall shared concerns about noise, waste, and property values. Ms. Barschall noted that Randolph is a natural amphitheater and sound travels. Ms. Barschall noted that this is a quiet, residential cul-de-sac.

A member of the public shared concerns about the fence, and was advised that you do not need a building permit to erect a fence.

A member of the public asked if the Board has visited the property and David Ruble advised that several Board members have gone by on their own.

David Ruble advised the public that he understood their angst, however he has been impressed with Mr. Adams responsibility as a dog owner. Dr. Ruble asked Mr. Adams to research the waste management issue, whether it is allowed in the trash and if there is a place to compost it.

Howard Wemyss noted that the property was purchased before the Land Use Ordinance was changed regarding kennels. June Hammond Rowan advised that the use was not established until after the change to the ordinance. It was noted that a special exception was required before the changes, the definition was updated, and additional criteria were added in March.

David Ruble advised the public that the Board will discuss the issue at the next public meeting, which will be held on September 21 at 5:30 p.m.

Adjournment

**On a motion by Paul Cormier, seconded by Robert Harris, the meeting was adjourned at 7:25 pm.**

Respectfully submitted,  
Shelli Fortin