



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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NOTICE OF DECISION
New London Zoning Board of Adjustment

July 25, 2012

RE: HARRY M. SNOW, III

MAP 085, LOTS 019 & 020

You are hereby notified that on this date the New London Zoning Board of Adjustment (ZBA) held a public hearing at the request of Harry M. Snow, III (Appellant). Appellant requested an Appeal of an Administrative Decision made by the New London Selectmen to deny Mr. Snow's request to allow more than five persons to live in each unit of the Cottage Lane duplexes as [sic] the additional people do not fall within the meaning of "domestic servants" for the purposes of the zoning ordinance requirement.

The ZBA AFFIRMS the decision of the Selectmen for the following reasons.

After hearing testimony, and receiving exhibits, the ZBA concludes there was ample evidence in the record to find:

1. The structures are located in the R1 (Residential) District.
2. Uses permitted in the Residential District include Single-Family or Two-Family Dwelling, except as otherwise provided in the Ordinance. (Article V. A. 1.)
3. Family is defined in the Ordinance as: One or more persons occupying a Single Dwelling Unit, provided that unless all members are legally related, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a Family or families. (Article III. #49.)
4. The term "domestic servants" is not specifically defined in the Ordinance.

The review of the ZBA on the Appeal from an Administrative Decision is *de novo*; we decide as if the question were presented to us anew. We first examine the language of the Ordinance and where possible ascribe the plain and ordinary meanings to the words used.

Domestic servant a person hired or employed primarily for the performance of household duties and chores, the maintenance of the home, and the care, comfort and convenience of members of the household. Black's Law Dictionary, 5th Ed. (1979) p.435.

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| Board of Selectmen P: 603-526-4821 x 10 F: 603-526-9494 | Town Administrator P: 603-526-4821 x 13 F: 603-526-9494 | Town Clerk-Tax Collector P: 603-526-4821 x 11 F: 603-526-9494 | Finance P: 603-526-4821 x 21 F: 603-526-9494 | Assessing P: 603-526-4821 x 20 F: 603-526-9494 |
| Planning/Zoning P: 603-526-4821 x 16 F: 603-526-9494 | Fire Department P: 603-526-6073 F: 603-526-6079 | Police Department P: 603-526-2626 F: 603-526-2782 | Public Works P: 603-526-6337 F: 603-526-9662 | Recreation P: 603-526-4821 x 14 F: 603-526-9494 |

Servant one who is employed to render personal service to another otherwise than in the pursuit of an independent calling, and who, in such service, remains entirely under the control and direction of employer. *Id.*

Servant 1. a person employed by another [person], esp. one employed to perform domestic duties. 2. A person in the service of another [person]. Random House Unabridged Dictionary (1966) p.1304. [Emphasis added.]

Servant A personal or domestic attendant; a person employed in a house to perform various household duties according to the orders and requirements of his or her employer. New Shorter Oxford English Dictionary, 3rd Ed. (1993) p.2788.

The “domestic servant” [hereafter “DS”] as described by Petitioner, will get a reduced rate for the room, and be duly compensated¹ and perhaps special parking accommodations.² Domestic servants traditionally worked full time for their employers, and received room and board, and a small stipend. They had little time for other pursuits. Domestic service was a full-time calling. Au pairs compensated with room and board are considered to be full-time employees³.

The student DS would be responsible for “coordinating” cleaning and maintenance, and to keep common areas of the apartments [sic] orderly.⁴ The DS would also “coordinate” damage repairs. Traditional domestic service was a “hands-on” job, with each servant assigned specific tasks, according to the type of servant employed, and the personal services were performed in the home, or garden, or stable of the master or mistress of the household, not in apartments for the other tenants thereof.

The student DS would be a liaison to the college regarding any repairs needed or damaged⁵. Liaison is “communication and coordination, usually in a military application.” Traditional domestic servants were not involved in military applications. Their allegiance was to the master or mistress of the house, and their duties were personal in nature.

The student DS would be responsible for “relaying behavioral concerns” to the college⁶. Behavioral concerns outside of cleaning are not the responsibility of the DS but may be referred by the DS to the proper services within the college⁷. We find no reference to any such duties in the roles of the traditional domestic servants as we have come to understand them.

¹ David Sauerwine letter to Mr. Snow dated July 16, 2012.

² ZBA Minutes, July 16, 2012, p.3.

³ ZBA Minutes, July 25, 2012, p.4.

⁴ *Id.*

⁵ David Sauerwine letter to Mr. Snow dated July 16, 2012.

⁶ ZBA Minutes, July 16, 2012, p.3.

⁷ David Sauerwine letter to Mr. Snow dated July 16, 2012.

The students residing in the apartment would not be required to purchase a college meal plan⁸ yet the DS would not be responsible for cooking for the other students. That was something the students would decide⁹. Cooking and laundry are customary duties of domestic servants. The student DS would not be responsible for doing the laundry of the students in the duplex. There are laundry facilities on-site¹⁰. According to Emily Post, service that is adequate at all times requires a minimum of three: a cook, a butler or waitress, and a housemaid¹¹. The present description of the duties of the DS does not include any of these three as a regular part of their full-time responsibilities.

There is nothing in the lease that includes anything about the specific duties of DS¹². This further supports the notion that the duties of the DS are subordinate to all other aspects of college life. There was no evidence that domestic servants were presently employed elsewhere on the campus by the College in any capacity.

If the cost of campus housing were \$7,000 per student per year, and the cost of a compensated domestic servant performing the duties as described, at student pay rates, might be between \$16,000 and \$18,000, then a DS spending 15% of their time doing these duties would be a very part-time position¹³. The traditional position in domestic service was full-time, and the servants were compensated accordingly. The general servant, or maid-of-all-work, is the only one of her class deserving of commiseration: her life is a solitary one, and in some places, her work is never done¹⁴.

Domestic servants were never hired at a new establishment without first producing letters of reference from previous employers. Such letters mention the candidate's honesty, sobriety, capability, trustworthiness and disposition¹⁵. Residents of the apartments (some of whom are intended to serve as DS) are interested juniors and seniors chosen by lottery¹⁶.

⁸ ZBA Minutes, July 16, 2012, p.5.

⁹ Id.

¹⁰ ZBA Minutes, July 16, 2012, p.5.

¹¹ Emily Post's Etiquette, 11th Ed. (1965) p. 614.

¹² ZBA Minutes, July 16, 2012, p.5.

¹³ ZBA Minutes, July 25, 2012, p.4.

¹⁴ I. Beeton, Mrs. Beeton's Manual of Household Management, ¶2340 (1st. ed. 1861)

¹⁵ Emily Post's Etiquette, 11th Ed. (1965) p. 629.

¹⁶ ZBA Minutes, July 16, 2012, p.5.

The DS bears little resemblance to the traditional domestic servant, as contemplated in the Zoning Ordinance, in hiring, duties, amount of time spent, or compensation.

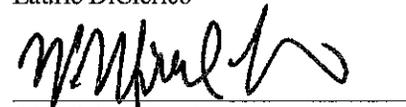
The July 13, 2012 decision of the Selectmen is AFFIRMED by a vote of 3-2.

Respectfully Submitted,

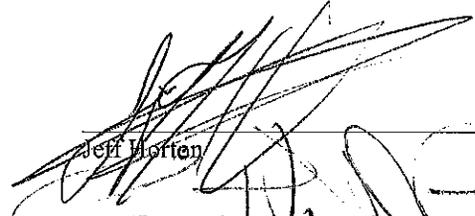
William Green, Chairman



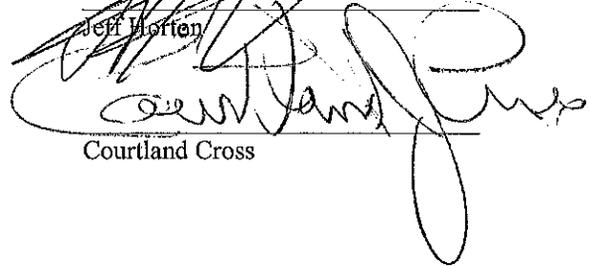
Laurie DiClerico



W. Michael Todd



Jeff Hotten



Courtland Cross