

**MINUTES OF THE MEETING
PLANNING BOARD
May 22, 2014
7:00 PM**

MEMBERS PRESENT: Robert Moynihan, Acting Chairman; Ryan Crosbie; Mark Beliveau; Edward Bannister and David Cedarholm, Selectmen's Rep.

OTHERS PRESENT: George Trefether; Fred Laird; Carol Evans; Molly Darling; Chris Baudek; Jody Crotty; Rene French; Jonathan Moss; Chris Moss; Janice O'Brien; Jill Leavenworth; Robin Wunderlich; Chris Wyskiel; Laurie Smith; John Weaver; Richard Baker; Charles Evans; David Browning; Susan Browning; Lisa Lara; Mary Clark; Susan Chalifoux; Marisha Heiderscheidt; Ben Heiderscheidt; Tom Ballesteros; Roger Rice; Jocelyn Hawe; Jacob Brownell; Karen Benoit; Don Allen; Bruno Posset; Julia Posset; Elaine McLean; Candance Holmberg; David Oleen; Judy Eitler; Frank Eitler; Tom McCabe; Wally Mosher; Trudi Puffer; Jacqueline McCabe; John Puffer; Jody Epstein; L K Patel; Rosemary Maciolek; Jim Stevens; Leslie Webb; Michael Sievert; Sharon Cuddy Somers; Peter Hoyt & Caren Rossi, Planning & Zoning

Robert Moynihan, Acting Chairman opened up the meeting at 7:21 PM.

○ **Review and Approval of Draft 5/10/2014 & Draft 5/14/2014 Meeting Minutes**

David Cedarholm made motion to approve the minutes 5/10/2014 & 5/14/2014.
Ed Bannister second.
Vote: all, motion carried, minutes approved.

○ **A continued accepted application for a Site Review Application presented by Mike Sievert, MJS Engineering PC, Agent for Molly Darling & Robin Wunderlich. The property is owned by Colleen Latham/122 Mast Road, LLC. The property is located on 122 Mast Road and is known as Lee Tax Map#13-11-0200. The applicant is proposing a Dog Daycare and a Boarding Kennel with support services. This is an application acceptance hearing and a possible final public hearing.**

Mike Sievert, MJS Engineering presented the revised plan. He explained the parcel is 7.28 +/- acres with currently 2 buildings on site. A large brick building in the front, wooden in the rear. The brick building is currently partially occupied by office space. The rear building is storage with an apartment in the second floor. They are both utilizing a septic and a well. The access is paved with 30 parking spaces 9' x 18'. The original concept plan is the same as this one except they are adding additional parking and the proposed site plan has more detailed fence information. They will be constructing behind the brick building a 3,900 sq ft kennel

space that will house 41 kennels. The second wooden building will be the dog daycare building. It currently has an apartment too. They will construct 5 indoor play areas. This building is 2,900 sq ft inside. They will construct an outside play area of 6,500 sq ft. There will be 8 interior pens inside this fenced area. They will be approximately 80'x 80' or 80' x 100'. He provided a sample of the shiplap fence.

There are 25-30 existing parking spaces with a total of 51 spaces proposed. 37 are required. 12 of these spaces are double stacked. 9 of these are for the Tuesday and Thursday am classes at UNH. The other 3 are for employees.

They are proposing a new septic design for the entire site. It will be used for both the kennel and the daycare. There is already an existing system for the office space, if something were to happen, the new system is designed for the entire site. It is an advanced treatment system. It is 30% better for nitrate reduction than a conventional design. This design includes the floor drainage system.

There is minimal clearing required for the state of the art storm water bio-retention system they are proposing. It is known as a Rain Garden. The Rain Garden includes an internal water storage volume and a HDPE liner which will help in greater nitrate reduction, 50 -60% better over a typical system, treatment swales and or detention ponds. Producing better water quality. Both NHDOT & DES permits have been received. The DES permit also includes a permit for the floor drain system. The NHDOT permit requires a slightly wider entrance; wider road shoulder/ a deceleration lane for a right hand turn into the property. Both the septic system and the bio detention system exceed the requirements both from the state and the town. The state doesn't require an advanced treatment system like we have chosen; we have chosen this to get higher treatment. They also do not require this high of a level of storm water treatment. It is a better treatment and more widely used than what is required.

They are requesting one waiver and that is to the size of the parking spaces. The existing parking spaces are 9' x 18' and they are requesting a waiver for the new constructed spaces to be the same, 9' x 18'. Lee's regulations require a 10' x 20' stall size. They would like feedback on this waiver tonight as possible to answer Civil Consultants questions.

Robin Wunderlich explained the interior layout of the project. He showed the Board blow up drawings of the kennel area. They are not many changes. The support areas are the same as previously seen. The boarding area plan shows how the kennels are configured and the litter pan areas. The center area is heated and the outdoor area is not. The construction is concrete block, truss roof. They are using a sound reducing material on the new constructed areas. The blocks have an R19 insulation value and are epoxy coated. It will be a significant sound reduction than the typical kennel operation. Eric's letter speaks to the sound levels emanating from the building. If all the dogs in the building were barking, it would be 18 db at the property line. The dogs contained in the building are not perceived to be audible off the site.

They monitored actual water usage at a similar facility and they have designed this system to meet those requirements.

The back building they will be using a zip wall 1 ½ insulated panel over the block wall to insulate and improve the looks of the building too. This is the daycare building. He showed the on the plan the one-way glass that will lessen the distraction of the dogs. The 6' fence will be shiplap (sample shown) around the entire dog yard. This fencing has no gaps in it.

When sound is near a fence it does mitigate some of the sound. When it is far away it will go over, it will follow line of site. Dog to trainer ratio is 15:1.

In response to the site walk, he delineated the sight lines that were discussed that were experienced while we were at the walk. (In file) He explained them to all. Sightlines and distances were laid out. Originally the dog yard was 2 acres. After hearing the issues they reduced it to a 1 ½ acre dog yard. The size of the yard allows them to rotate and not have dogs in any single yard for any length of time. It was noted on the site walk that there is a rise in the middle. This has a 4' sight line from the ground. He continued to explain the sight lines as shown on the plans.

Chris Wyskiel, Attorney for the applicants, spoke and stated that he has worked for many other very similar operations. For clarification, and other professions in this field can explain better, but the reason for the handlers in the dogs bark sometimes when they are out and about but the reason for the handlers in 1:15 is to control the dogs when they are barking and to bring them to a non-barking state. Dogs also just hang around, but they do particularly start barking when there is some disturbance/stimulating. The purpose of this fencing both at the perimeter and the play yards is to prevent the dogs from seeing stimuli and activity outside their pens, particularly the trail. So the significance of the sight lines is to show the elevations of a dog looking up. The dog will not see the horse riding by. If they don't see them they won't bark. Unless there is internal stimuli within the internal pen where they are. The dogs inside will not see any external activity and be stimulated. The purpose of the solid shiplap fence is to create sight lines where dogs can't see any outside stimuli. There controllers are able to get the dogs quieted down.

David Cedarholm pointed out on the plan a bedrock type knob he was standing on at the site walk. The elevation here is about 8' above the fence. He could very clearly see over the proposed fence and see the trail. He would like to see a specific sight line section on this section of the dog yard.

Tom Ballesteros provided a general overview of the bio-retention system. He explained that it is a standard system with modified media. They are a multi layered system that act as filters. They are the primary movement of storm water. There is currently no storm water management on site now, currently there is a 9% effective impervious cover for the site. After this system is installed it will be 2%. Most of the storm water from the site will flow thru this system. The filter media is typically sand, wood chips & sub-native soil and then the phosphorous. This system is excellent in removing total suspended solids, the sediment that is in the storm water. For nitrogen, the best way to remove it is an anaerobic process, which is why the bottom of this system has an internal water storage volume. The water goes thru the filter and then it sits at the bottom, the bottom is lined so it's impermeable. You won't get infiltration there. Then in that zone the outlet is at one end and the water flows from one end to the other. Since there is no oxygen down there you get the nitrogen removal so the nitrogen is then converted to nitrogen gas. These facts are from projects done at UNH and projects done by them thought the Seacoast.

Mark Beliveau asked how much of the storm water runoff will actually reach the rain garden?

Tom Ballesteros replied he has not done the actual calculations but he is speaking from experience, less than a ¼ to 1/3 inch of rain you might not see any run off reaching the system. Upwards of 1 or 2 inches rain, you will see more and more water thru the system. Yes, some will infiltrate, but then again in the winter you will see a lot more move into the system. The system is the backstop to the whole site.

Robert Moynihan, Acting Chairman asked if he could speak to the concerns of the concerns of the dog waste having certain pathogens.

Tom Ballesteros stated he has done dog parks and kennels before and this type of filtration systems are typically what is recommended. They have done studies on lots of different systems. This type of filtration does a very good job at removing the pathogens.

Mark Beliveau asked Tom Ballesteros if based on his experience, would he recommend ground water monitoring for the waste impacts to ground water. Or would they not be necessary due to the applicant's protocol.

Tom Ballesteros explained that he has studied compost waste extensively and what they were. Studied specifically the fugitive nitrogen fugitive microorganisms. These studies were done right on the soils. This compost operation is on a concrete pad, by enlarge, if you keep the water off of it, having a roof over the composting, and if you have a way of just managing the waste and keeping the runoff off of it, you would have almost no real problem with the compost itself. The biggest problem will most likely be you will have to add liquid to the compost process. In compost you drive the temperature to greater than, 150 degrees, and this kills all of the pathogens. You need to keep turning the compost and keep it moist. Once it is completely composted, it can be used for almost any application. You can put in the monitoring wells, but his fear is that there is so much activity around there that you would not get good enough back ground data for 10 years to get an accurate baseline.

Robin Wunderlich explained how they came up with a waste number. This information is from the USDA Sled Dog information. A typical dog excretes ¾ lb a day. The kennel has 40 dogs, 365 days a year = 10,950 lbs. Daycare 260 days x 52 x 70 dogs 12 hours a day 6,800 lbs. They are not anticipating this type of occupancy levels. Their business plan operates on half of this. The total 17, 775 lbs or 9 tons a year. The compost typically reduces this. Comparison to horses is 1.6 acres for a 1,000 lb horse; this horse would be 18,000 lbs of waste per year. They are doing less than one horse.

Molly Darling submitted and explained a planting plan for the rain garden.

David Cedarholm asked how they will be maintaining the healthy shade grass.

Molly Darling explained it won't be a lawn type grass; its main purpose is so it is not a mud pit. They are not looking for a perfect lawn, it will just be better than wood chips etc.

Ryan Crosbie asked about the new noise study information.

Robin Wunderlich said it specifically addressed the interior noise. He said its noise from 5pm to 8 am. While no dogs are outside. He read the letter to the Board. (In file)

Ryan Crosbie asked what the 23 dbs is or what would be considered loud?

Robin Wunderlich commented that if you image the still of the night this is around 23 Db's. 40 Db's is probably a car going by or the peepers.

Molly Darling commented stated their sound person will come to the next meeting to address any questions.

Mark Beliveau asked if the study was with the facilities windows open or closed.

Robin Wunderlich explained closed, they will not have the windows open.

Robin Wunderlich explained that when you hear dogs barking, most often these are bored dogs. When they are having fun doing things, they are more focused with the activity and don't bark excessively.

Ryan Crosbie asked if the compost will be covered.

Robin Wunderlich explained it will be fully contained in a concrete bin, and it will be covered.

Molly Darling commented they will provide a design of the bin.

Ryan Crosbie asked if the old drywell should be shown on the plans and possibly decommissions it.

Mark Beliveau asked for the septic design to be explained.

Mike Sievert explained that the new system has been designed for the kennel, the daycare and the apartment. The existing septic will be used for the office space. It has been designed to handle all the waste and the grooming area.

Molly Darling explained that the dog solids will be composted and the cat solids will be put in the trash.

Mark Beliveau asked for the hours of operation.

Robin Wunderlich explained the Daycare is closed on the weekends, and open Monday thru Friday 6:30am to 6:30pm. Dogs are allowed outside 8am to 5 pm. Possibly training classes 7 pm to 9pm. Kennel is open Monday thru Friday 7:30 am to 7 pm. Sat. 7:30am to noon and 4pm to 6pm. and Sunday 10am to noon and 4pm to 6 pm.

Mark Beliveau asked if they have given the Board in writing the hours of operation etc. A written piece that describes the operation.

Molly Darling will make sure this is provided for the file.

Molly Darling explained the shiplap fence and that it will have a chain link fence on the inside of it. The shiplap fence is purely for sound and visual.

Mark Beliveau asked about the sight line plan earlier presented. Are those lines all surveyed as indicated?

Mike Sievert stated that his office prepared the plan. Robin colored the lines but his office prepared the plan and a surveyor Adam Fogg, Atlantic Survey, did the lines.

Mark Beliveau asked if on the site, will any lines be added delineated the in and out lanes?

Mike Sievert stated that they could do that.

Ed Bannister asked what the width of the current driveway is.

Mike Sievert explained it is currently 20' and will be 22'.

David Cedarholm asked if the construction entrance will be decommissioning at the completion of construction. Have they considered an in and an out on the site?

Mike Sievert explained that they will be closing off the construction entrance at the completion and that it is his understanding DOT did not want an in and an out.

David Cedarholm commented that he felt that a circular patten will help with confusion, parking and pulling out etc. but doesn't think DOT wants this.

Mike Sievert commented that they will go back to the NHDOT again.

Robert Moynihan, Acting Chairman opened up the floor for public comment.

In favor

Roger Rice, Garrity Road spoke in favor of the application. He lives close by, would be nice to have one in Lee; he has to go out of town to a groomer. Feels it's a good fit for the area.

Charles Evans, Lamprey Lane spoke in favor. He works as a vet at a regional hospital and feels it is nice to have a facility to use.

Peter Johnson, Concord Rd spoke in favor. He has lived in Durham and Lee his entire life. He feels Lee is all about animals. He lives in a glass house. He thinks it makes perfect sense, and can't believe Lee doesn't have a place. He feels the plan is well thought out, as a dog and horse owner, a horse urinates 1.2 gallons per day per thousand pound horse. Next door they probably have 20 horses, which are equal to about 800 dogs. Where are the rain

gardens for the horses? He owns horses, but isn't a bio-detrant, and it is still in the ground 20 years later. Next to humans, horses take the most meds and that all goes into the ground. While he was on the walk, he heard a lot of people in glass houses. It sounds to him like you are throwing anything into the wall to see if it sticks, nothing sticks other than the sound. If you are concerned about sound for the horse, he thinks you should expose it to him more. If you have ever been to a horse show, there are dogs everywhere. They are loose, and everywhere. He thinks we need this project and he supports it.

J Crotty, Tamarack Rd spoke in favor of the application. Works as a vet tech and knows about the care. This would be great for employment in the area as well as intern ships for the UNH. She spoke as to how loud the racetrack is and thinks the horses also hear the racetrack and that must affect them.

Janice Obrien, Alder Brook Way. Lived here since 1978. She has 2 dogs, lucky to have pet stores, places to walk dogs and great vets in Lee but no daycare for her dogs. Uses the Durham kennel. She thinks it's a nice community based business for Lee. Good employment opportunity as well.

Jill Leavenworth, Alder Brook Way read a letter she has written to the Board in support of the application. (In file)

David Browning, Tuttle Rd spoke in favor. Amen to all said, we have dogs and need the service and the business in the town. Very appropriate business for this town.

Susan Browning, Tuttle Rd, spoke in favor. Former employee of the NH Small Business. Nice to see a small business develop, as well as new jobs, it is an increase to our tax base.

Chris Moss, Tuttle Road. Spoke in favor, she has used other daycares and feels this is a well thought out and will be much better.

Opposed

John Weaver, Attorney for the abutters did a power point presentation and provided the Board with a 3 ring binder of information. (In file)

Frank Eitler, Sheep Rd read a letter in opposition into the record. (In file)

Bill Hawe, Mast Rd, read a portion of a letter in opposition into the record. (In file) He will finish next time, this is allowing for his sound engineer to speak regarding his report. He will begin with his closing paragraph at the next meeting.

Chris Bajdek, Harris Miller Miller & Hannson Inc. He explained his credentials. He has been a consultant in environmental noise and transportation noise for over 20 years. He has managed numerous projects across the country. Numerous highway studies as well for state DOTS. He has no experience in kennel behavior. He can't answer question to what makes

dogs bark, or what spooks horses. But can make predictions on what the sound levels from the barking dogs would be along the bridal trail that was the focus of his study. Measurements were conducted along the bridal trail, # 6 in the binder provided. They were done in 3 locations along the bridal trail. He uses a noise thermometer. He reviewed portions of his report. He also reviewed the report provided by the applicant.

Robert Moynihan, acting Chairman asked if he would be willing to put his questions regarding the other report in writing.

Chris Bajdek replied he would.

Bill Hawe replied that was ok with him, they are happy to do their part.

David Cedarholm asked what time of day the report was done? Did you pick up any truck traffic?

Chris Bajdek replied it was done on a Thursday at noon. And yes, traffic noise was in the background. But the metric used to define the sound level takes out those peak sound levels such as a truck going by.

Robert Moynihan, acting Chairman closed the floor to public comment.

Robert Moynihan, acting Chairman explained that any letters received are in the file for the public to review.

Robert Moynihan, acting Chairman and the Board discussed the next meeting would be on June 11, 2014 at 7pm. This will be the only application in addition to a consultation that is first.

Molly Darling commented that the only engineer that can be here on June 11, 2014 is the sound engineer.

Robert Moynihan, acting Chairman explained that should be fine, it will be a listening session mostly. Any questions that come up can be addressed at an additional meeting.

Robert Moynihan, acting Chairman explained that he had a college at the Thompson School that is involved in veterinary care and she gave him some general information on the use. This information has been processed and she has indicated she would be willing to come and speak to the Board. She is animal care expert.

The Board discussed this and felt it would be helpful if she can come to the next meeting and speak to animal care.

Mark Beliveau asked if the wetlands were delineated on the site. This is a recommendation from Attorney Weaver.

Mike Sievert stated that there were not any wetlands on this site.

Attorney Weaver stated he is just looking for a third party confirmation of this.

Robert Moynihan, Acting Chairman also suggested that the Board members go visit/listen to a similar facility.

David Cedarholm stated he was interested to see if the NH DOT would consider a second curb cut.

Caren Rossi will contact NH DOT and see if they would be willing to meet with a couple members of the Board and discuss options.

Mark Beliveau explained that the traffic report that was given we don't have jurisdiction over that, it is NH DOT?

Robert Moynihan, Acting Chairman stated thought the number explanation etc. would be helpful.

The Board discussed outside reviews for the traffic study and noise study. They will hold off on additional reviews for now, but asked the applicant to provide a copy of the complete NH DOT application to the Board.

Meeting adjourned at 10:55 PM.

MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Robert Moynihan, Acting Chairman

Mark Beliveau

Ryan Crosbie

Edward Bannister

Lou Ann Griswold

David Cedarholm, Selectmen Rep.