

**MINUTES OF THE MEETING
PLANNING BOARD
June 11, 2014
7:00 PM**

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

OTHERS PRESENT: Candace Holmberg; Jocelyn Hawe; Bill Haw; Dan Gabriel; Kevin Mc Eneaney; Elaine McLean; Chris Bajdek; Bruno Posset; Julia Posset; Ben Heiderscheidt; Manisha Heiderscheidt; Randy Hertzog; Tom McCabe; Judy Eitler; Rich Sorenson; Chris Wyskiel; Peggy Frangos; Robin Wunderlich; Molly Darling; Taryn Hertz; Mike Derousier; Rene French; Eric Reuter; Lisa Kane; Lisa Lentz; Karen Benoit; Andrew Ward; Kathryn Horrian; Sharon Cuddy Somers; & Caren Rossi, Planning & Zoning (there were several others that did not sign in)

Robert Smith, Chairman opened up the meeting at 7:01 PM.

○ **Review and Approval of Draft 5/22/2014 Meeting Minutes**

Caren Rossi explained there was one correction that is at the last page under the description of Allison Powers, she is an animal care expert. The word expert was left off.

David Cedarholm made motion to approve the amended minutes 5/22/2014.

Ed Bannister second.

Vote: all, motion carried, amended minutes approved.

○ **A consultation to review the items of the Conditional Approval for the Site Review Application presented by Tobin Farwell, Farwell Engineering Services Agent for Dan Gabriel Inc, for property owned by Robert & Barbara Callioras. The property is located on Calef Highway and is known as Lee Tax Map#04-07-0600. The applicant is proposing to construct a commercial building of approximately 9,000 sq ft. +- with multiple retail uses.**

Caren Rossi reviewed the items of the conditional approval. All items were complete with the exception of NH DOT permit; easement language reviewed by town council. Robert Moynihan also asked that the Civil Consultants review the cistern detail and the maintenance plan. Tobin Farwell submitted a letter addressing each item as well. (In file)

David Cedarholm made a motion for final approval for the project subject to the following conditions:

- 1.) NH DOT permit
- 2.) All Easement language reviewed and accepted by the Towns attorney
- 3.) Civil Consultants to review the cistern details and the maintenance plan

Ed Bannister second. Vote; all, motion granted, project approved with conditions.

- **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 a possible final public hearing.**

Robert Smith, Chairman opened up the floor for public comment where we left off at the last meeting. He asked that only new information be discussed and not repeated.

Molly Darling stated she would like to update everyone prior to the public comment, she felt this might help with some of the comments. After the last meeting and the discussion of the high spot of ledge in the daycare dog yard, they moved the fence further away from the property line. They have moved the fence back 75' to the high point in the yard. They still have the same number of yards, just smaller. They also have concerns with internal traffic problems if a second entrance/exit is added because it will channel all the UNH traffic thru the facility. She also stated their sound engineer is here this evening. She also stated that they would like a vote tonight if possible on the waiver request for the parking space size so they can continue with the design.

Bill Hawe read a handout and a letter into the record. (In file) He also added that proposing a second access is not the only solution to the problem. He closed by saying that before the Board votes, please consider is this quieter or louder; safer or less safe; more pollution or less pollution?

Bill Hawe explained that at the Boards request at the last meeting HMMH prepared a response.

Robert Smith, Chairman clarified that the Town does not have jurisdiction over the NH DOT for the access/entrance.

Bill Hawe suggested that they seem to be stuck on the wheel of parking, why can't they just cut down some trees, bring in some fill and make the adequate parking.

Robert Moynihan stated that last week when he and Caren met with the NH DOT representatives, they stated they were not opposed to a second entrance.

Christopher Bajdek, HMMH read a letter into the record. This letter was in response to the last meeting. (In file) He reiterated that his studies were done during the day, during the week. He did incorporate in his study, the traffic from Mast Rd.

Mark Beliveau summarized that what had been done for the sound study is: first meeting it was stated that there are no standards or generally accepted levels of barking dogs also

known as performance standards. On-site measuring devices were installed; a computer model was created showing the effects of a single dog barking at the bridal trail.

Christopher Bajdek, HMMH corrected and stated it was figured for 7 feet above ground which is the equivalent to what the level of a horse would be.

Mark Beliveau continued then you were able to adjust it to 40 dogs barking simulates. This is not 40 times higher than a single dog. Consideration has been taking into consideration for the mitigation that a fence structure will provide. It has been concluded that even with the fencing, the barking will still be audible at the trail.

Christopher Bajdek, stated partial, the calculations that he did were without mitigation. He hasn't done any calculations with sound barrier. He did estimate, due to his experience, he has been designing sound walls for state DOT's and other sources for over 20 years and he can gauge how much protection sound barriers can provide.

Mark Beliveau stated at least his take away, after this field study has been conducted, the opinion is that a barking dog or up to 40 barking dogs will be audible at the bridal trail that is closest to this property.

Christopher Bajdek replied yes, based on his approach/calculations.

Mark Beliveau stated but you have said that you are not an animal care expert so you are not saying in your professional opinion a horse on the bridal trail hearing a dog bark is detrimental to the safety health and welfare of the rider.

Christopher Bajdek replied correct. He is not an animal behaviorist/biologist. He can't predict how a horse would react.

Mark Beliveau asked if this was a single family home, with a 7 acre back yard that had 3 medium to large dogs that run free in the back yard and bark. Is this a different sound or audible measurement than you get in your current measurement or is the same?

Christopher Bajdek replied it is the same. But it depends on the distances, terrain etc.

Mark Beliveau asked if he looked at the area across the street to see if any sound levels would be anywhere other than the bridal trail?

Christopher Bajdek replied that he just focused on the bridal trail. He suspects a bunch of dogs would be audible on the other properties, but how audible is unclear.

Brian Belmont, 2 Caverno Drive. He has a concern with the kennel. His 3 primary concerns are: waste, noise and congestion. He was a franchise owner of 2 kennels in Colorado. Camp Bow Wow. They are the largest national franchise daycare in the US. He was also the chief operations officer and still owns 17% of the company. He loves dogs and definitely sees the use for dogs. He stated he has lead over 30 kennels to be approved in planning &

zoning process. In no insistence did he ever achieve approve in the residential zone. There primary reason for denial was noise. He asked that the Board listen to the sound studies on both sides because they are real and dogs will be heard. 99% of the complaints in his experience have been noise. When dogs go to daycare they are there to play the day away and sleep the night away. That is why people bring them. Playing dogs will bark and you can't prevent it. That is what dogs do. Beyond noise to consider is waste. They restricted the outside of their play yards by 15 yards to help with the waste. If the area is too big you can't keep the waste cleaned up. He has never seen a study that shows it is even remotely healthy or smart to compost the waste. We used self contained yards to keep the waste contained. They used pea gravel. Congestion and drop off times are going to be very busy and even worse on the holiday times. This area will be highly congested. There is no way this access can sustain this much activity. Why would we as a community to approve this in a residential area when there are other options? There are other options that don't deal with waste or noise. He provided the Board with a list of 9 kennels in NH, none of them are in the residential zone.

He has horse experience, he does not have one at the farm but he feels dogs will affect the horses and create an unsafe environment.

Victor Benassi, 29 James Farm Rd. He doesn't have an association with the horses; he lives on the west side of James Farm. He doubts he will hear the dogs barking. Why? There are so many other options, and so many issues. I go to work every day. I know about the sun, and the traffic pattern. We are not talking about a single dog barking, we are talking about other dogs parking. If this is approved and issues come up, what is the recourse? What will happen if this is approved and things come up, what will happen?

Ben Heiderscheidt, 21 Caverno Drive read a letter into the record. (In file)

The Board and the abutters had a discussion about the repeat discussions on the same topic.

Mark Beliveau asked if he was quoted in Attorney Weavers power point presentation?

John Weaver replied yes.

If he understands correctly, the accumulation of the dog waste will be consumed into the ground water and it will be consumed by other users of the ground water and will result in illness.

He isn't an expert but it is his concern. He read the report and did some research online himself looking for evidence that would change his mind. All he found was the opposite.

Mark Beliveau asked if his concerns were more of the composting? Or dog waste in the yard that doesn't get picked up by the operators?

Ben Heiderscheidt replies that dog waste in the yard, if there was a system that it would be picked up and removed off site. Everything he can find recommends removal off site.

The Board took a 5 minute break, after the break, Robert Smith; Chairman explained the public input session will be cut off at 10:00pm.

Randy Hertzog, 15 Caverno Drive about 500-600 feet away from proposed project. He provided a power point presentation and a letter for the file (in file)

Ryan Crosbie asked how far he lives from the proposed use?

Randy Hertzog stated about 500 feet.

Lisa Lentz read a letter into the record and provided the Board with numerous pages of supporting documentation. (In file)

Jean Benoit, 175 Mast Rd, presented a power point presentation and read a letter into the record. (In file)

Bruno Posset, 23 Caverno Dr read a letter into the record. (In file)

Candace Holmberg, read a letter into the record. (In file)

Judy Eitler, 1 Sheep Rd read a letter into the record, (In file) and provided the Board with an enlarged tax map with highlighted red lots showing the residents in opposition of the application. (In file)

Robert Smith, Chairman closed the public comment session at 10:02pm.

There was a discussion of the order for the next meeting. It was determined that Attorney Wyskiel and Attorney Weaver will speak prior to the meeting and determine the order. Also, the professionals will be at the next meeting to speak and answer questions.

The Board discussed additional outside reviews.

Robert Moynihan explained that he spoke with DOT last week with Caren and DOT is open to other options. He feels that we should find another company to review the Traffic Report; to include onsite flow; and provide information to the Board. Steve Pernaw was discussed and Caren Rossi will check with him to see if he can do it and return it to Caren Rossi at least one week prior and she will distribute to all to read prior to the next meeting.

Attorney Weaver asked that the LOS be reviewed in the Traffic Report as well.

Caren Rossi will make sure this is also included.

Molly Darling submitted another report from Tom Ballesteros to the Board.

A realtor review was discussed. Attorney Somers discussed we table this for now, and review the current Site Review Regulations to see how this is addressed.

The Board discussed the issue of noise and environmental concerns. They decided that they will delay with any additional review of the noise until the applicants rebut the information.

Molly Darling announced that they will be abandoning the composting. They will put it in the dumpster and send it to the landfill.

Mark Beliveau suggested that we send out for an independent 3rd party review for the environmental concerns. There are large concerns about this contaminates for ground water.

Ben Heiderscheidt also encourages the board to address public health concerns too.

Robert Moynihan suggested we give Ben Heiderscheidt letter to the 3rd party review engineer too.

Attorney Weaver stated that they would like a 3rd party review of the wet soils too; to confirm there are not any on the site.

Ryan Crosbie will send Caren Rossi several names she can contact. She will send Ben Heiderscheidt letter as well as ask to confirm there are no wet soils on the site.

Frank Eitler submitted a Source Water Protection Bulletin to the Board.

Mark Beliveau made a motion to continue the meeting until July 9, 2014.

Robert Moynihan second.

Vote: all, motion carried, meeting continued.

Meeting adjourned at 10:35 PM.

MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Robert Smith, Chairman

Mark Beliveau

Ryan Crosbie

Edward Bannister

Robert Moynihan

David Cedarholm, Selectmen Rep.