

**MINUTES OF THE MEETING
PLANNING BOARD
November 6, 2014
7:00 PM**

MEMBERS PRESENT: Robert Smith, Chairman; Mark Beliveau; Ryan Crosbie; Lou Ann Griswold; Ed Bannister; David Cedarholm, Selectmen's Rep and John LaCourse, Alternate.

OTHERS PRESENT: Attorney Matthew Whitehead; Robin Wunderlich; Molly Darling; Laurie Smith; Attorney Chris Wyskiel; Frank Eitler; Bill Hawe; Jocelyn Hawe; Jacob Brownell; Bruno Posset; Jean Benoit; Karen Benoit; Judy Eitler; Rich Sorenson; & Caren Rossi, Planning & Zoning Admin.

Robert Smith, Chairman opened meeting at 7:02 PM.

- **Review and Approval of Draft 10/14/2014 & 10/23/14 Meeting Minutes**

The other Board stated that they have not had time to read the minutes and that they would like the approval of these minutes tabled to the next meeting.

- **Report of officers and committees**

Robert Smith, Chairman explained that the CIP is moving along and will be presented next week meeting to this Board.

Ryan Crosbie reported that the Master Plan committee is meeting with Strafford Regional Planning next week and they too are coming along.

David Cedarholm explained that the Site Review committee is almost done with their changes and hope to present at a meeting in the near future.

- **Review any correspondence**

- **Old Business**

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 stated where we are from the last meeting is the review of the ZBA approval and the possible conditions after Attorney Somers reviewed the past minutes and notes. He began with the ZBA approval and read the findings from this hearing from the minutes. They are as follows:

- 1) Granting the Variance will not be contrary to the public interest. Yes majority
- 2) Granting the variance would be consistent with the spirit of the Ordinance. Yes majority
- 3) In granting the variance, substantial justice is done. Yes majority
- 4) In granting the variance, the values of surrounding properties are not diminished. Yes majority
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to applicant. Yes majority
 - A) To find that an “unnecessary hardship” exists, the Board must find:
 - o There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - o No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.
 - B) In the alternative, if the above criteria are not satisfied, the Board may still find that an unnecessary hardship exists if it finds:
 - o There are special conditions on the subject property that distinguish it from other properties in the area; *and*
 - o The property cannot be reasonably used under the ordinance and therefore, a variance is necessary to enable a reasonable use of it.

He then read the public notice for the ZBA application into the record.

An application submitted by Molly Darling & Robin Wunderlich, agents for property owned by 122 Mast Rd LLC, known as Lee Tax Map #13-11-0200 and is located at 122 Mast Rd. The applicant requests a variance to Article V, Section -A permitted uses, to allow for a Dog Daycare and a Boarding Kennel with support services as well as the existing Profession Office Use currently on sight. The request is to the 2013 Town of Lee Zoning Ordinance.

Robert Smith, Chairman states as he reads it, they did not request training.

Caren Rossi read the minutes that were marked ‘Information Only’ did discuss grooming of the dogs. On the plans she sent as well showed a grooming area. She didn’t find any discussions on training.

Robert Smith, Chairman stated that he feels that even though grooming wasn’t specifically applied for, it was discussed and covered in the minutes.

Caren Rossi explained that it was under a support service.

Robert Smith, Chairman stated that he thinks it is fair to say that training was not mentioned nor was approval granted for training.

The Board agreed.

Robert Smith, Chairman continued with the possible conditions of approval written by the Towns Attorney, Sharon Somers. The Board all received a copy to review as we went along.

Mark Beliveau explained his understanding of conditions precedent need to be met before we sign a site plan and conditions subsequent need to be complied with during the ordinary course.

The Board began to review the items that Attorney Somers outlined.

CONDITIONS PRECEDENT:

The applicant shall install fire alarm systems, Knox boxes, and fire extinguishers to the satisfaction of the fire department.

Mark Beliveau stated that he feels this item is a condition subsequent. If she meant shown on the plan and not install. A possible way to say this would be to state to comply with the conditions on the Fire Chiefs letter. He doesn't remember this being an issue and he is not sure where this came from.

Robert Smith, Chairman stated that the Fire Chief's letter doesn't have any conditions.

Caren Rossi stated that it may be from the old minutes. She read the Fire Chiefs letters.

Mark Beliveau suggested that we remove this item and have a catch all condition in the Conditions Subsequent stating the applicant must comply with all of the regulations and codes in the Town of Lee and State of NH.

Decommission existing water supply well in accordance with applicable state regulations; provide copies of relevant documentation to Town.

All agreed this is a Condition Subsequent and have no issues with it.

Obtain DES approval for amended septic system; also obtain documentation of approved installation of same, provided copies of all relevant documentation to Town.

Mark Beliveau explained this is two parts and should be covered under both. He suggested the following wording.

Precedent- Obtain DES approval for amended septic system. Provide copies of all relevant documentation to Town.

Subsequent Obtain documentation of approved installation of amended septic system, provided copies of all relevant documentation to Town.

The Board agreed.

To address potential concerns about stacking of cars at Route 155A as cars are entering the property, applicant will construct a secondary access to the property, to be used for entrance purposes only. Review and approval of the secondary access will be done by the Planning Board as part of the compliance hearing as described below.

The Board discussed this issue.

Mark Beliveau stated that he recalls David Cedarholm

David Cedarholm stated he was very conflicted. He wanted to point out from Attorney Somers letter. He read item #5 from this letter. *“Attorney Wyskiel contacted me and offered that his clients would be amenable to a second (entrance only) access to avoid potential problems with stacking.”* He applauds this offer.

Mark Beliveau stated that this is a substantial issue. The only second entrance he recalls is a construction entrance on the other side of the property. He remembers that DOT didn't want this to be a second entrance/exit.

David Cedarholm stated that DOT said they would prefer one entrance. However, they also said if for some reason a site issue that the town insisted on having two entrances and it complied with the states regulations on site distances, they didn't indicate they would not approve the second access. This would not be easy to do as there are some very large trees that would need to be removed to get the required site distance.

Board members discussed how the possible entrance only entrance would be designed.

Mark Beliveau stated it was heavily studied by two traffic experts; he understands conceptually having a dedicated entrance only. He needs to be more comfortable that it is really needed as it is a significant expense, is this needed? It does create another curb cut on the road.

John LaCourse commented he doesn't feel that the traffic count is that large.

Mark Beliveau stated he has made himself more aware recently of this intersection as he drives this road almost daily. He doesn't see a lot of stacking at this intersection.

David Cedarholm commented that we are not talking about the conditions today we are talking about in the future when we have potentially 70 people coming in to drop off their dogs. The point he tried to make at the last meeting is that traffic studies look at the

maximum number of cars over a period of an hour. We are not talking about a situation of over an hour, stack ups happen in a matter of minutes. It only takes 5 cars or one or two and a tractor trailer.

John LaCourse asked if we have grid locks or backups at the daycare center.

Robert Smith, Chairman stated yes, he does. Pickup is when he sees it, not drop off.

Mark Beliveau stated he did not and he goes by there at prime time. He sees cars during the open house events etc.

David Cedarholm stated the entrance to the daycare is not near an intersection.

John LaCourse stated he feels this came in to late. This should have been caught earlier.

Robert Smith, Chairman suggests tabling this issue until later in the discussion.

The Board agreed.

Revise plan to include breaks for excess of 150' of continuous pavement per site review regulations.

The Board discussed this and determined just to add the section in the regulations it pertains to.

Mark Beliveau suggested the following wording:

Plan shall be revised so that there shall not be more than 150 feet of continuous asphalt in the parking area as per the 2007 Site Review Regulations Article V-B.

The Board agreed.

The Take Five Properties LLC Operations and Maintenance Procedures Manual submitted to the Planning Board shall be revised to include page numbers and to indicate the date on which the manual takes effect. Moreover, the approved plan set, which consists of the Site Plan dated September 10, 2014 and the Building Renderings of June 17, 2014 are deemed incorporated in the manual. The manual, together with narrative descriptions of the proposal submitted by applicant, is incorporated by reference as a condition of approval and the contents are deemed to be representations by the applicant as well as any successors or assigns. (This condition is both precedent and subsequent).

The Board discussed if a date should be referred to in the condition, it was determined it should read as follows:

The Take Five Properties LLC Operations and Maintenance Procedures Manual submitted to the Planning Board shall be revised to include page numbers and to indicate the date on which the manual was written. Moreover, the approved plan set is deemed incorporated in the manual. The manual, together with narrative descriptions of the proposal submitted by applicant, is incorporated by reference as a condition of approval and the contents are deemed to be representations by the applicant as well as any successors or assigns.

The Board agreed with the changes.

Applicant to review and revise operations manual and plan (including parking) to reconcile discrepancies regarding the number of employees required pursuant to the protocol in the operations manual and the amount provided for in terms of parking.

Mark Beliveau stated that the reason for this is for clarification of the parking needed.

Lou Ann Griswold stated that we also need it to address at maximum capacity. We realize it is a revolving number.

John LaCourse stated that he is only worried about the peak times.

The Board discussed the condition and the parking needs and issues; it was determined it should read as follows

Applicant to review and revise operations manual and site plan (including parking) to clearly state the number of employees required pursuant to the protocol in the operations manual (and as amended by the conditions of approval) and to set forth the required number of parking spaces at maximum capacity.

The Board agreed with the changes.

A compliance hearing shall be held to review items (to be added upon completion) and to have the Planning Board render findings that such conditions have been completed to the satisfaction of the Planning Board.

The Board agreed as written.

Applicant will list a contact person on their website; the contact person must be available 24 hours, 7 days a week to respond to complaints concerning unreasonable levels of noise.

David Cedarholm asked when we talk about noise, are we referring to dogs barking?

The Board felt that this was dogs barking.

Mark Beliveau stated this should also be in the manual.

Ed Bannister stated it should not be a set person, as this person will change. He suggested just a contact number.

Mark Beliveau suggested the following:

Applicant will provide a contact telephone number on the website (a condition subsequent) and in the manual (a condition precedent) that will be answered 24 hours, 7 days a week.

The Board agreed.

Applicant to provide detail on plan of shiplap fence and on building plans (Sheet C-1) to show characteristics of different types of fencing to be used.

The Board agreed as written.

Maintain a reasonable amount of healthy growth on the four kennel yards not covered in sand; purpose is to ensure effective operation of filtration.

John LaCourse asked a healthy growth of what?

David Cedarholm suggested adding "grass". They have stated that they are stated they are going to plant grass and maintain grass, shade grass.

Robert Smith, Chairman asked what a reasonable amount of grass is?

David Cedarholm stated better than 70% cover.

The condition was amended to read as follows:

Add a note to the final site plan that the applicant shall maintain a reasonable amount (better than 70% of cover) of healthy grass on the four kennel yards not covered in sand; purpose is to ensure effective operation of filtration

The Board agreed.

Applicant shall revise the storm water permit to show the correct name of the entity which holds the permit.

Caren Rossi explained that the septic permit was originally applied for under Colleen Latham.

The Board agreed as written.

CONDITIONS SUBSEQUENT:

The applicant will evaluate all animals proposed for admission to any of its programs before they are accepted. Chronic barkers overly shy or aggressive dogs or dogs that cannot handle social situations with other dogs will not be admitted.

John LaCourse stated he doesn't see this as a condition; it is part of the manual.

David Cedarholm stated who are we to say an overly shy dog is a problem; it could be the nicest dog there.

The Board agreed it should be deleted.

The outdoor dog play yards shall only be used Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m. Additionally, applicant will work with the current or future owner of Coyote Springs Farm, or any similar successor equine operation, to coordinate any reasonable requests to move the dogs indoors during times when the bridle trail is being used. (This could become both a condition precedent and subsequent if the Planning Board chooses).

Mark Beliveau stated he doesn't think this is workable to have as a condition. He feels it is doomed for failure.

John LaCourse feels the hours are important and obviously the abutters and the applicants can have all the conversations they want.

Mark Beliveau stated that right now the manual calls for between 8 am and 5 pm. If we want to narrow this, this is where we would address this.

The Board discussed this and agreed to address this in the manual as the following the manual will also be a condition of approval.

The Board agreed to delete this item.

The maximum number of dogs to be permitted outdoors at any one time is _____.

David Cedarholm stated that he is comfortable with 40 dogs outside at one time.

Lou Ann Griswold stated that is a lot of dogs.

David Cedarholm stated that it is substantially less than the dogs from the Massachusetts facility.

Robert Smith, Chairman stated that he worries about the dog/people ratio if there is a problem with one of the dogs and they have to take a dog in.

The Board discussed possible ways to ensure that the ratio is maintained at all times.

Lou Ann Griswold stated that barking is the least of her concern; she feels 40 dogs just magnify the potential of a problem. She would never get in the middle of a dog fight. She has concerns of 40.

David Cedarholm stated it is 3 groups of no more than 15. It is not 40 dogs in a pack fighting. The dog pack approach is built on compatible groups of dogs. You don't just throw a bunch of dogs together. You are going to have dominate dogs and submissive dogs. The handlers' job is to match the dogs and create compatible groups. If there is a dog that doesn't work, it gets brought inside.

Lou Ann Griswold stated her concern is dog fighting.

David Cedarholm felt this is the part of dog pack management.

Robert Smith, Chairman stated they originally stated 40 outside at one time.

Lou Ann Griswold stated she recalls asking the applicant if they would consider reducing the number of dogs and they replied it was up to the Board to decide.

Ryan Crosbie stated that Allyson Powers report also suggested a lower ratio of dogs to handlers. She indicated safer ratios would be 10:1 or 6:1.

The Board decided to table this and discuss the ratio of dogs to handlers.

No matter the size of the group of outdoor dogs at any one time, up to the maximum of _____, they shall be attended by not less than _____ employees so that one employee is always available to bring any barking dog immediately inside the building.

The Board discusses how this was presented and felt that they would prefer to use a ratio of dogs to handlers and not a required number of employees.

Ed Bannister stated that he feels the management of the dogs is the best way to keep harmony with the dogs.

Mark Beliveau stated we need to be clear in the wording.

Lou Ann Griswold stated that we have heard ranges from 6 to 15 dogs per handler.

Robert Smith, Chairman suggested 10 as it is in the midrange.

Ryan Crosbie stated that he feels that the dog management is key for noise control. He agrees with a 10:1 ratio.

Mark Beliveau stated he is too, all the testimony pointed to management for control of noise. They can always come back in the future for a possible amendment.

Mark Beliveau proposed the following condition.

When dogs are in the outdoor yards, a ration of no more than 10 (ten) dogs to 1 (one) employee/handler shall be maintained at all times. The required number of employee/handlers shall be physically present in the outdoor yard at all time dogs are in the yard.

The Board agreed.

Ed Bannister commented he feels comfortable with 40 outside dogs now that the ratio has been reduced to 10:1.

John LaCourse agrees.

Lou Ann Griswold feels it is too much.

Mark Beliveau stated he is good with the 40.

David Cedarholm & Ryan Crosbie agreed.

David Cedarholm suggested the following wording:

The maximum number of day care dogs to be permitted outdoors at any one time is 40.

The Board agreed with the wording. All except Lou Ann Griswold supported the total number of dogs.

Any dogs barking outdoors shall immediately be brought inside the building.

John LaCourse felt this should be deleted.

Ryan Crosbie agreed, he felt they were adequately addressed in the manual.

John LaCourse commented that the 10:1 ratio should help with the noise issue.

The other Board members also agreed to delete this.

Only one dog at a time shall be permitted to use the walking area along the perimeter fence. Any such dog shall be on leash attended by an employee. Dogs walking the perimeter shall only use the perimeter on the west side of the property.

Lou Ann Griswold suggested striking the first sentence.

Ryan Crosbie stated that this particular is not in the manual that he can find.

Lou Ann Griswold read the section from the kennel operations. *Leash walk inside the perimeter fence on the western side and rear of the property, outside of the daycare yards.*

David Cedarholm suggested striking it if it is in the manual.

The Board discussed the area that the dogs will be leash walked in. They determined to make the changes in the manual. They are to change that the dogs can't be walked beyond the rain garden and east side of the play yard.

The Board all agreed.

The kennel yard will be used for not more than two kennel dogs at one time. Any dogs in the kennel yard shall be attended by at least one employee.

Ryan Crosbie suggested striking the first sentence because the manual says they are going to have dogs outside and they indicate a small number; it will be in their best interest to maintain order.

Lou Ann Griswold agreed as long as it's addressed in the manual.

Any dogs in the kennel yard shall be attended by at least one employee

All Board members agreed.

All staff will have operable hand-held radios connected to a call box in the office and other staff throughout the property to eliminate the need for shouting or knocking on doors and windows.

Ed Bannister suggested eliminates *the need for shouting or knocking on doors and windows.*

Robert Smith, Chairman questioned why we are requiring this?

Mark Beliveau stated to him this is an easy one. They said they would do this and now we are making it a condition. He also suggested adding to it that there shall be no outdoor PA systems. This will keep it from echoing thru the neighborhood. He suggested the following wording to give them flexibility. He continued to say that a lot of these conditions and wording came from Attorney Hildreth's letter.

All staff will have operable hand-held radios, or similar systems connected to the office and other staff throughout the property. There shall be no outdoor PA system.

A majority of the Board agreed.

The applicant shall, annually until further adjusted, arrange for the sampling and laboratory testing of the waste water stream, leach field soils, and drinking water well. A copy of the test results will be provided to the Planning Board.

Ryan Crosbie stated he would like to delete this.

Mark Beliveau agreed.

John LaCourse stated he agreed as there has been testimony that you can't prove where any containments may have come from.

Ryan Crosbie stated that the state has regulations on drinking water that they will have to follow.

Mark Beliveau stated this is the same for leach fields.

The Board agreed to remove it.

If any such testing yields results reasonably unsatisfactory in the opinion of the Planning Board, the applicant shall be required to make changes/modifications/improvements to its wastewater treatment system to address such unsatisfactory results, and to implement and employ best management practices as BMP's are improved over time.

Ryan Crosbie stated that he doesn't think it is unreasonable to request inspection and maintenance reports. If there was ever a question of something going on or water quality issues, we have something to go back to. We can ensure that they have kept up with the annual and semi- annual inspections.

John LaCourse stated just like monthly report from the Durham Well.

Ryan Crosbie proposed the following.

The Town shall receive copies of all inspection and maintenance reports as described in the operations manual.

The Board agreed.

The applicant shall be permitted to board a maximum of _____ dogs in its kennel operation.

The applicant shall be permitted to board not more than _____ cats or other small animals in its proposed "cattery".

Robert Smith, Chairman read from the manual the maximum number of animals for the kennel. *12 cat condos; 27 single dog kennels and 14 large or family dog kennels.*

Ryan Crosbie felt the number they request is reasonable and didn't feel a need to limit it. He didn't see anything alarming with these numbers.

Lou Ann Griswold stated and they are mostly indoors except for when they are leash walked.

The Board members discussed removing the limits of dogs and cats and it was determined not to.

Lou Ann Griswold would like to keep numbers in the conditions and not just rely on the manual.

Mark Beliveau suggested the following:

The applicant shall be permitted to board a maximum of 55 (fifty- five) dogs in its kennel operation.

The applicant shall be permitted to board not more than 12 (twelve) cats.

The Board agreed.

The applicant shall be permitted to groom not more than _____ animals per day, Monday through Friday.

Mark Beliveau stated it is his understanding that grooming was an ancillary service for dogs already there. He didn't understand it to be a separate service.

Robert Smith, Chairman read a blurb from the manual. *Groomed dogs, not already admitted to the kennel or daycare.*

David Cedarholm suggested striking it. He disagrees with putting language in the conditions that are already in the manual. What is the point with the manual if you put everything in the conditions. He doesn't think we should limit the number of dogs groomed; it's not that big of a business.

Mark Beliveau stated that the issue is what was presented to the ZBA.

Caren Rossi read the minutes. *Craig Williams asked do you anticipate doing bathing and grooming. Molly Darling replied that would also go into the septic. Craig William stated that some of the daycares offer a free bath at the end of the day. Molly Darling replied oh, no. We have the potential for grooming, not like a do it yourself dog wash.*

Lou Ann Griswold and Mark Beliveau read the minutes from the Dec. 2013 ZBA hearing.

Ryan Crosbie stated he feels ok with no limiting the grooming. He feels it is an approved use.

Mark Beliveau asked if this is dogs brought it or already there?

David Cedarholm stated he doesn't think it was stipulated clearly at the ZBA.

Ryan Crosbie doesn't think the septic will have any issues with grooming. He doesn't have any issues with the grooming.

Mark Beliveau stated if we are going to expressly allow non-resident dogs to come in we need to limit the number of dogs.

David Cedarholm stated that the plan has shown, since the start, a small grooming area.

Mark Beliveau proposed the following:

The applicant shall be permitted to groom not more than 10 (ten) dogs per day, that are not already admitted to the kennel or day care, Monday through Friday.

Robert Smith, Chairman suggested to limit to the resident dogs and then allow them to come back to the Board for an amendment in the future.

David Cedarholm stated he felt that would only limit the income for the property. This is an ancillary service to bring in a little more income.

John LaCourse suggested 10 outside dogs.

The applicant shall be permitted to groom not more than 10 (ten) dogs per day, that are not already admitted to the kennel or day care, Monday through Friday.

The majority of the Board agreed.

There will be no training classes except with further review and approval of the same by the Planning Board.

The Board agreed to delete this as they do not have the authority to grant approval for the use, it would need to go back to the ZBA.

Deliveries to be made only by vehicles which are smaller than tractor trailers and during _____ times.

Mark Beliveau suggested the following:

After a Certificate of Occupancy, deliveries to the property shall be made only by vehicles which are smaller than tractor trailers and during 8:00AM and 5:00PM Monday thru Friday.

The Board agreed.

The applicant, and any successors or assigns to the applicant, may amend the manual from time to time, but none of the standards regarding hours of operation, capacity of the facility, daycare operations a) staffing, b) temperament evaluations, c) discipline, kennel operations (only regarding needs for 24/7 staffing), sanitation and facilities maintenance set forth in the current manual adopted as part of the Planning Board approval shall be relaxed without first being reviewed and approved by the Planning Board as an amendment to a condition of approval. As part of the review, the Planning Board shall conduct a public hearing on the proposed amendment.

David Cedarholm stated he felt this just about covers it.

The Board all agreed.

Kennel windows to be kept closed at all times to prevent noise from within the building from being audible beyond the property lines; plans must show emergency power source to ensure proper temperature during times of power outages.

John LaCourse stated that he doesn't like this. He wanted them to be able to open the windows, especially when there are not any dogs in the room. He also doesn't feel it is the Boards jurisdiction to dictate that they need to get emergency power.

Ryan Crosbie agreed with deleting the second half.

Lou Ann Griswold explained that she agrees with John, but they presented that the windows would not open as a measure to deal with the noise.

Kennel windows to be kept closed at all times to prevent noise from within the building from being audible beyond the property lines.

The Board agreed.

The current and future owners and operators of same shall substantially comply with Applicant's operations manual as submitted. Substantial compliance shall specifically include specified days and hours of operation, limitation of kennel's boarding kennel spaces (number and size and shown on plans), limitations on daycare dog population and limitations on number of dogs in outside play areas, and kennel and daycare staffing to dog ratios, all as specified in said submitted operations manual. Barking generated from the kennel yard shall be managed through the disciplinary measures set forth in the operations manual. Should abutters or the public determine on any occasion that barking on the property unreasonably interferes with the quiet and

peaceful enjoyment of their property, then they should report same to the applicant, or the successors and assigns of the applicant. Should this initial contact not resolve the issue, then the abutter/member of the public should contact the police for possible criminal investigation. Should the abutter/member of the public still remain dissatisfied with the level of barking and its impact on the quiet enjoyment of other properties, then the abutter/member of the public may request that the Planning Board review the matter for possible enforcement, including but not limited to a revocation of the site plan.

John LaCourse suggested deleting the last 3 sentences. As discipline is covered in the manual.

Ryan Crosbie stated he doesn't think we can regulate what the abutters do.

David Cedarholm stated there is also a RSA that deals with dogs barking. He suggested deleting everything after the first sentence.

Mark Beliveau agreed. It is a basic manual. He suggested the following:

The current and future owners and operators of same shall comply with Applicant's operations manual as submitted.

All Board members agreed.

The Board then returned to the earlier discussion of the second access.

To address potential concerns about stacking of cars at Route 155A as cars are entering the property, applicant will construct a secondary access to the property, to be used for entrance purposes only. Review and approval of the secondary access will be done by the Planning Board as part of the compliance hearing as described below.

John LaCourse suggested deleting this. He feels there has been enough traffic studies already completed. He doesn't feel it is fair to continue the process along and add more additional costs.

The Board members all agreed to delete this.

Robert Smith, Chairman asked how the manual changes should be entered in the record.

Lou Ann Griswold read the outstanding manual items.

VIII. Forms and Contracts section add the dumpster company contract for removal of solid waste.

Mark Beliveau suggested we mark up a manual and make it part of the record. (In file)

Mark Beliveau continued with a couple typing errors. VI. Sanitation: the 4th bullet down add the word "be" in the sentence *Each pan is drained to the septic system and will "be" used for dogs to relieve themselves and for drainage when the kennels are cleaned.* 7th bullet *NHWSPCC should be changed to NHDES.*

Lou Ann Griswold continued with IV. Kennel Operations 4th bullet down, should read *Leash walk inside the perimeter fence on the western side and not beyond the east side of the play yard.*

Lou Ann Griswold continued with III Daycare Operations, Morning/Mid-day Routine. 3rd bullet now should read. *Dog groups rotate between the indoor playrooms and the outdoor yard. When dogs are in the outdoor yards, a ration of no more than 10 (ten) dogs to 1 (one) employee/handler shall be maintained at all times. The required number of employee/handlers shall be physically present in the outdoor yard at all time dogs are in the yard.*

Mark Beliveau stated he felt we should add the following precedent condition.

All conditions of the approval shall be included as an appendix in the operations manual

The Board agreed.

A Lou Ann Griswold state that she feels excessive barking is minimized in the manual. Should we just assume they know it's a big issue?

David Cedarholm stated that we have RSA 466. He read...*Dogs a Menace, a Nuisance or ViciousIf it barks for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood.....* All someone needs to do is call the police and they will investigate.

Lou Ann Griswold stated the last one is hours of operation for the outdoor time.

Mark Beliveau stated the applicants now are saying that they will be outside Monday thru Friday from 8am to 5pm. What we could do is either leave as proposed or say that they have a limited time that they are not allowed out. He doesn't recall the horse farm saying particular time would work best for them not to have the dogs outside. Or we could limit the total hours of time the dogs can be outside and let the applicants and the neighbors work this out. If they had said a specific time, he would be more comfortable with a specific time.

Caren Rossi stated that she felt from an enforcement side, specific times would be best.

Robert Smith, Chairman asked about a specific time in the morning and the afternoon?

Ryan Crosbie stated that we didn't have any testimony of specific times.

John LaCourse commented that he doesn't want to restrict them much more. He feels they are already restricted. He is comfortable with the way it is written.

Mark Beliveau stated that they are already restricted by what they are proposing. The dogs arrive at 6:30am and they don't go out until 8am and then back in at 5pm and don't leave until 6pm.

Ryan Crosbie said the only way he would see things differently is if they had heard testimony about specific times and they didn't.

Lou Ann Griswold stated she is going by what was said in open session by the public. It only takes one time for a horse to get spooked and a child thrown. If the dogs are out there and bark and scare a horse, we have a problem.

Caren Rossi stated that it is dark now before the dogs come in and the kids are not able to ride.

David Cedarholm stated that if you listen to the sound consultant a horse will get spooked by a motorcycle or a truck with a Jake-Brake.

Lou Ann Griswold stated but you would not put a horse farm by a major highway.

David Cedarholm and Lou Ann Griswold discussed the noise studies and what they showed and what will spook a horse.

David Cedarholm stated that the kennel in Mass has never had a noise complaint.

Lou Ann Griswold felt we are decreasing one business to put in another business. She would be more comfortable with decreasing the hours outside.

Lou Ann Griswold asked Caren Rossi as a rider what time she would think would be good to have the dogs in.

Caren Rossi stated 3 pm.

Mark Beliveau stated he isn't comfortable with that. The applicant has taken significant steps to manage the noise. As well as the Board has by the dog/handler ratio. He feels to manage 70 dogs inside for 2 ½ hours is too problematic.

John LaCourse agrees with what Mark Beliveau suggesting of the 8 hours out of the 9 hours and let the applicant and abutters work it out.

The Board members discussed this issue .

Mark Beliveau stated he is comfortable with 4:30pm. This is based on the assumption that it will absolutely be a problem.

Ryan Crosbie spoke with concerns of having the neighbors work together on the times, he feels uncomfortable with this.

Mark Beliveau spoke to think of it seasonally, time change.

Robert Smith, Chairman Spoke that it would be reasonable to have the dogs out in the dark but people don't ride in the dark.

David Cedarholm stated that he supports Mark Beliveau idea of 8 hour window during the 9 hour day. We are just speculating that something will happen. Once the operation gets going they will have an idea of how things are working. This will also create an opportunity for the neighbors to talk.

Ed Bannister and John LaCourse agreed.

Mark Beliveau stated that there must be a seasonal aspect of this. During the short days, if the applicant is willing to bring the dogs in from 3:30 pm to 4:30 pm hour, then they still have a half hour to let them back out. Then during the long days, time changes again, you manage it that way. This seems to have some logic to it. We could impose this verse you get 8 hours out of the 9 hours.

Mark Beliveau suggested the following:

During the period October 15, thru April 1 of each year, all day care dogs will kept inside from 3:30 P.M. to 4:30 P.M. each day. For the period April 2 to October 14, day care dogs may be outside 8 of the 9 hours allowed and the time of day the dogs are kept inside shall be determined by facility management.

This will be added to the manual.

The majority of the Board agreed.

Robert Smith, Chairman feels we have covered everything and asked if the evidence presented and discussed has allowed us to make a decision?

The Board commented yes.

Mark Beliveau made a motion to grant the site review applicant subject to all of the conditions precedent and subsequent as discussed this evening and agreed upon by a majority this evening.

John LaCourse second.

The conditions are as follows:

CONDITIONS PRECEDENT

1. Obtain DES approval for amended septic system. Provide copies of all relevant documentation to Town.
2. Plan shall be revised so that there shall not be more than 150 feet of continuous asphalt in the parking area as per the 2007 Site Review Regulations, Article V-B.
3. The Take Five Properties LLC Operations and Maintenance Procedures Manual submitted to the Planning Board shall be revised to include page numbers and to indicate the date on which the manual was written. Moreover, the final approved plan set is deemed incorporated in the manual. The manual, together with narrative descriptions of the proposal submitted by applicant, is incorporated by reference as a condition of approval and the contents are deemed to be representations by the applicant as well as any successors or assigns.
4. Applicant to review and revise operations manual and site plan (including parking) to clearly state the number of employees required pursuant to the protocol in the operations manual (and as amended by the conditions of approval) and to set forth the required number of parking spaces at maximum capacity.
5. Applicant will provide a contact telephone number on the website (a condition subsequent) and in the manual (a condition precedent) that will be answered 24 hours, 7 days a week.
6. Applicant to provide detail on plan of shiplap fence and on building plans (Sheet C-1) to show characteristics of different types of fencing to be used.
7. Add a note to the final site plan that the applicant shall maintain a reasonable amount (better than 70% of cover) of healthy grass on the four kennel yards not covered in sand; purpose is to ensure effective operation of filtration.
8. Applicant shall revise the storm water permit to show the correct name of the entity which holds the permit.
9. All conditions of approval shall be included as an appendix in the operations manual.
10. The Planning Board shall hold a compliance hearing on items numbered 1 thru 9 as listed above to determine whether such conditions have been completed to the satisfaction of the Planning Board.

CONDITIONS SUBSEQUENT:

1. Decommission existing water supply well in accordance with applicable state regulations; provide copies of relevant documentation to Town.
2. Obtain documentation of approved installation of amended septic system, provided copies of all relevant documentation to Town.
3. The Take Five Properties LLC Operations and Maintenance Procedures Manual submitted to the Planning Board shall be revised to include page numbers and to indicate the date on which the manual was written. Moreover, the approved plan set is deemed incorporated in the manual. The manual, together with narrative descriptions of the proposal submitted by applicant, is incorporated by reference as a condition of approval and the contents are deemed to be representations by the applicant as well as any successors or assigns.
4. The maximum number of day care dogs to be permitted outdoors at any one time is 40.
5. When dogs are in the outdoor yards, a ratio of no more than 10 (ten) dogs to 1 (one) employee/handler shall be maintained at all times. The required number of employee/handlers shall be physically present in the outdoor yard at all times dogs are in the yard.
6. Any dogs in the kennel yard shall be attended by at least one employee.
7. All staff will have operable hand-held radios, or similar systems connected to the office and other staff throughout the property. There shall be no outdoor PA system.
8. The Town shall receive copies of all inspection and maintenance reports as described in the operations manual.
9. The applicant shall be permitted to board a maximum of 55 (fifty- five) dogs in its kennel operation.
10. The applicant shall be permitted to board not more than 12 (twelve) cats.
11. The applicant shall be permitted to groom not more than 10 (ten) dogs per day, that are not already admitted to the kennel or day care, Monday through Friday.
12. After a Certificate of Occupancy, deliveries to the property shall be made only by vehicles which are smaller than tractor trailers and during 8:00AM and 5:00PM Monday thru Friday.
13. The applicant, and any successors or assigns to the applicant, may amend the operations manual from time to time, but none of the standards regarding hours of

operation, capacity of the facility, daycare operations a) staffing, b) temperament evaluations, c) discipline, kennel operations (only regarding needs for 24/7 staffing), sanitation and facilities maintenance set forth in the current manual adopted as part of the Planning Board approval shall be relaxed without first being reviewed and approved by the Planning Board as an amendment to a condition of approval. As part of the review, the Planning Board shall conduct a public hearing on the proposed amendment.

14. Kennel windows to be kept closed at all times to prevent noise from within the building from being audible beyond the property lines.
15. During the period October 15, thru April 1 of each year, all day care dogs will be kept inside from 3:30 P.M. to 4:30 P.M. each day. For the period April 2 to October 14, day care dogs may be outside 8 of the 9 hours allowed and the time of day the dogs are kept inside shall be determined by facility management.
16. The current and future owners and operators of the Dog Day Care and Kennel shall comply with Applicant's operations manual as submitted.
17. The applicant must comply with all of the Bylaws, Regulations, Ordinance, and Codes in the Town of Lee and Laws and Regulations of the State of NH.

Vote:

Yes: John LaCourse; Ed Bannister; Ryan Crosbie, Mark Beliveau and David Cedarholm

No: Lou Ann Griswold because of noise wasn't convinced one way or another that noise would not be an issue. Concerned of property value, she realizes it is not this Board. Concerned about an existing business being compromised to add a new business and a business of this nature in a residential area.

Robert Smith, Chairman because he doesn't believe the noise model. He is not a professional just too many conflicting discussions and points.

The compliance meeting date for this application is on Thursday, January 8, 2015 at 7:00PM.

Meeting adjourned at 11:17 PM.

MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Robert Smith, Chairman

Lou Ann Griswold

Ryan Crosbie

David Cedarholm, Selectmen Rep

Ed Bannister

Mark Beliveau

John LaCourse