

**MINUTES OF THE MEETING
PLANNING BOARD
January 2, 2014
7:00 PM**

MEMBERS PRESENT: Robert Smith, Chairman; Edward Bannister; Lou Ann Griswold; Mark Beliveau (arrived after Walter Cheney); Robert Moynihan & David Cedarholm, Selectmen's Rep.

OTHERS PRESENT: Lisa Lentz; Christina Marshall; Cunclace Holmbert; Kate Hoinan; Rich Sorenson; Karen Immel; Loren Goodridge; Chloe Hood; Judy Eitler; Tobin Farwell; Jocelyn Hawe; Jacob Brownell; Bill Hawe; Walter Cheney; Frank Eitler; John Hall; Renee Hall; Jonathan Pennock; & Caren Rossi, Planning & Zoning Administrator

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

○ **Review and Approval of Draft 1/02/2014 Meeting Minutes**

Dave Cedarholm made a motion to accept.

Ed Bannister second.

Vote: all, motion carried, minutes approved

○ **Report of officers and committees**

Robert Moynihan reported that the regulations subcommittee met the night before and they are progressing on the site review regulations.

○ **Review any correspondence**

Caren Rossi read a letter (copy in file) for the record from the newly appointed Fire Chief, Scott Nemet.

○ **A Subdivision Application presented by Wayne Morrill, Jones & Beach Engineering, Agent for Lee Properties, LLC. The property is owned by John D. Hauslein; located on Hayes Rd and is known as Lee Tax Map#01-04-00 & #01-07-00. The applicant is proposing to subdivide the existing parcels into 28-single family homes. This is an application acceptance hearing and a possible final hearing.**

Robert Smith, Chairman explained that due to the large agenda, this application has been moved to Feb. 20, 2014 at 7:00pm. There will not be any additional notification sent out.

○ **A consultation with Walter Cheney for properties owned by South East Gravel and Cheney Company regarding a possible 40+- lot subdivision. Properties are located off of Pinkham Road and Calef Highway. (withdrew)**

○ **A subdivision application presented by Walter Cheney, for property owned by South East Gravel Corp. The property is located off of Pinkham Rd & Newtown Plains Rd and is known as Lee Tax Map#03-09-0000. The applicants propose to**

subdivide off a building lot of 1.976 +-acres from the existing parcel of 12.298 +- acres. This is an application acceptance hearing and a possible final hearing.

Mark Beliveau was not present for this application. He abstained.
Walter Cheney explained that he would like to subdivide the proposed lot off of the existing ROW located on Newtown Plains Rd. There is also a ROW on Pinkham Rd. He has test pitted the site and had the wet soils delineated. There are not any wet soils on the site. The proposed lot is 1.99+- acres. Required is 1.95 acres.

Robert Moynihan asked about the remaining land, are we creating a more non-conforming lot by doing this?

Caren Rossi explained that in order to build on the remaining land he would have to merge the land with the abutting lot. He owns the abutting parcel as well.

Dave Cedarholm & Lou Ann Griswold were uncomfortable with this application.

Robert Moynihan made a motion to accept the application, but then get legal opinion prior to any further action.

Ed Bannister second.

Vote: all motion carried. Application accepted.

The application has been continued to Feb 20, 2014. No additional notices will be sent.

- **A 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. This is an application acceptance hearing and a possible final hearing.**

Dan Gabrielle explained to the Board that he is purchasing the property from the Calioras Family. Currently the site has the remnants of the green building and a storage trailer. It will be mall type building with 4 units in it. It will be built New England Style, single story. Currently, they are proposing on one side a drive thru bank and on the other a drive thru Aroma Joes. The only known tenants at this time are a Subway and an Aroma Joes.

Tobin Farwell explained the engineering of the site. They have applied for the NH DOT permit, and it has not yet been received. They did have a scoping meeting with NH DOT. They have designed a septic system but it has yet to be submitted. They need to get an easement on the well radius as it is a non-commercial water source. They will wait to apply for the septic permit until they receive the well permit. They have asked for a waiver for the size of the parking spaces from the standard 10' X 20' to 9' x 18'. This is to reduce the amount of pavement on the site. The drainage has been calculated and sent

to the Town's Engineer for review. Signage has not yet been approved or discussed. They will be working on this soon.

Robert Moynihan asked about the parking spaces. If they were to design the spots at the required size, how many would they have?

Tobin Farwell required either one over or one under, he doesn't recall.

Dan Gabrielle spoke with concerns on the number of parking spaces. He wants to make sure he has enough for the business. He does not want people trying to park in the street or at the hospital.

Lou Ann Griswold spoke with concerns of not enough handicap spots. Two spots for four businesses, it doesn't seem like enough.

Tobin Farwell explained that they designed the number according to the requirements.

Dan Gabrielle explained that the front of the building doesn't have a lip on it; the entire front is handicap accessible. Aroma Joes is 80% drive thru with about 10-15 cars an hour. Subway at peak is about 30 cars in an hour.

Bob Moynihan asked in looking at the aerial photo, how does this building line up with the other buildings in the area?

Tobin Farwell showed on the aerial that this building is actually set back more from the road than the Wendy's building and the Walgreens building. The other building that the Callioras are proposing in the future is a little closer than this building.

Robert Moynihan asked if the building was a two story.

Dan Gabrielle explained that it is just for looks, the New England Style look.

Robert Smith, Chairman asked Caren Rossi if the checklist was complete for application acceptance?

Caren Rossi replied it was.

Robert Moynihan made a motion to accept the application.

Lou Ann Griswold second.

Vote: all, motion carried, application accepted.

Public Comment

None

The Board set a site walk for Monday, February 17, 2014 at 5:00pm. Police and fire invited.

The accepted application is continued to March 12, 2014 at 7:00pm.

- **A Site Review Application presented by Mike Seivert, 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 hearing.**

Robin Wunderlich explained that he and his wife have a purchase and sales agreement on the property. They went to the ZBA and received approval to have the use. They wish to have a dog daycare as well as a kennel at the property. They would like UNH to remain as a tenant. They received approvals in Durham for the same use at Great Bay Kennels. 2/3 of the existing building is currently rented to UNH. The remaining 1/3 they want for the reception area and daycare area for the dog business. They will also build and additional building for the kennels and portions of the daycare. They will be installing several fenced in areas as well as a perimeter fence around the back. This will be for safety in case of any loose dogs. Currently UNH has 2 classes a week that draw an additional large number of cars. They are currently trying to work out a ride share program to help minimize the parking issues with this and the traffic impacts associate with it. They will reserve parking spots out front for the drop off of the daycare dogs. He provided a model showing the interior layout of the building. They will have a medical care area/room; a grooming room; a kitchen and laundry facility; indoor kennel areas and indoor daycare kennels. They will construct a soundproof wall between the dog business and the UNH rental portion of the building. Each kennel will be constructed to have a "litter box" type system in them. They will have a catch basin to catch the urine/water that will be used to wash the kennel. They kennel will be climate control and always kept at a comfortable temperature. The most intense traffic time will be from 6:30am to 9:00am for daycare drop off. There will be one way glass installed for the public to be able to see their dogs but the dogs can't see the people. He explained that in their studies, the distraction of arrivals causes the dogs to be noisy. They will not allow noisy dogs at the facility. They will be evaluated prior to acceptance. The fenced area around the permitted of the property will be solid wood to prevent visual stimulation. Only leashed dogs will be allowed in the buffered permitted fenced area. They interior fenced areas will be solid in areas as well. They will be installing a rain garden filtration system for the nitrates in the outdoor area. They also will need to install a new septic system for the proposed structures. The existing system will remain for the existing office use and the dog daycare portion of the business. The kennel area will need its own system. They met with the neighboring horse farm owners and hope they addressed their concerns with the fencing.

Robert Smith, Chairman asked what materials are the fences made of?

Robin Wunderlich replied a 6' chain link fence with a standoff attachment of ship lap 6' too. He continued to explain that they have done some preliminary sound studies and sound travels in a straight line, the fence will lessen the sound.

Robert Smith, Chairman asked if the lot was wooded?

Robert Wunderlich replied that it was and they plan to trim the underbrush, remove the dead and pine trees. Keeping the oaks and the other hardwood trees, leaving it wooded. They will also do some replanting of arborvitaes in the areas cleaned to make it a very dense dog yard. Wooded areas work very well for a vegetative barrier. The buffer is 60' on both sides.

Ed Bannister asked how they would treat the dog waste?

Robin Wunderlich explained that they are working with Tom Ballesteros from UNH. They would like to compost it on the site. The kennels they are proposing to construct will have drains under them that will go into the new septic system.

Mike Schlosser, MJS Engineering explained that it is a Clean Solutions System. He explained that the tank is a 2,000 gallon tank; the leach field is 700 sq ft; it has been designed by metered flow. DES allows this type of design.

Robin Wunderlich explained this design is bigger than necessary.

Robert Smith, Chairman commented that he remembers the existing building to have multiple uses?

Robin Wunderlich explained that it is currently just UNH.

Robert Moynihan asked for more explanation on the new building. How many dogs; is it a single story; what is the roof style?

Robin Wunderlich explained it will have 41 kennels; 10' walls; single story; flat roof. The 41 kennels, 27 are single occupancy and 14 are either large breed or families. They would like to have a total of 80 dogs between the kennel and the daycare areas. The existing building can hold 46 dogs. When all built out as proposed, the facility will hold a maximum of 121 dogs. They will have no more than 20 dogs outside in each group at a time. He stated that the kennel dogs are separate from the daycare dogs. There are two fenced areas and then the large perimeter area that they will only have dogs on leashes.

Robert Smith, Chairman asked if the calculations are based on 121 dogs?

Mike Schlosser, MJS Engineering explained no, they are designing using data from similar uses. The uses were monitored and then designed.

Robin Wunderlich explained that they will not be using the septic for the outside dogs, the solid waste will be composted on site and the other will go into the rain garden.

Molly Darling explained that they could bag the solid waste and put it in the dumpster but they would rather compost it on site. It is possible to do this correctly.

Robert Smith, Chairman asked if there was any known control with this method of compost?

Robin Wunderlich explained not that they are aware of but, they could have Tom Ballesteros do an inspection and a report every 2 years. As part of a conditional of approval.

Robin Wunderlich continued to explain that the horse farm neighbors are concerned with their trail that runs by the boundary line. He showed the trail on the aerial and stated it is about 40' off the property line and the area is significantly wooded. The dogs in this area will be on a leash. One person with one dog. They are also putting in a berm on the site and the dogs would stay on their side of the berm.

Molly Darling confirmed they would not walk behind the earth berm with the dogs.

David Cedarholm asked where the current well was located.

Robin Wunderlich explained that it is located in the existing building in a service closet and it is a drilled well.

Molly Darling explained the daily functions of the site. They daycare will be open Monday thru Friday 6:30am to 6:30pm as they will service working people. The kennel will be open 7am to 7pm, Monday thru Friday and weekend hours. The kennel dogs will come around the back of the building. UNH will keep the front parking spots. They have 6 – 10 cars a day with an increase of 30 cars on Tuesdays & Thursdays. They will add more parking spots to accommodate this. The staff for the daycare will park in the added area too. This is 3 -4 cars. The daycare staff will be at the desk from 6:30am to 9am then they will go out back to work with the dogs. There is no customer access in the daycare room, just a check in area and viewing room with one-way glass. The dogs will be rotated outside, not all dogs will be outside at one time. They will not start going out until 8 am and then they will all be back in at 5pm. From 8am to 5pm they will be rotated outside. The kennel parking will be out back. Drop off will be out back as well. People will enter and drive outback for drop off. These stops are a little long as they will be leaving them for an extended period of time.

Mark Beliveau asked the difference between the kennel dogs and the daycare dogs?

Molly Darling explained that the daycare dogs are there for the day a few days a week and they have their own staff. The kennel dogs are there for extended overnight stays with a separate staff as well. The kennel dogs will have runs off their kennels.

Molly Darling continued to explain that they will have a grooming area on site for dogs. They will use the apartment for a works so they will have someone on the site 24/7 some dogs kennel dogs need medicine etc. They will also be able to board small animals as well.

Mark Beliveau asked if the facility in Durham is the same as this. How many dogs can this one take?

Molly Darling replied that one is mostly outside, not indoor like this one. It is approved for 30 dogs outside, but it is not built.

Mark Beliveau asked the weekend hours of the kennel?

Molly Darling 10am to 12noon & 4pm to 6pm. Saturday and Sunday. This is to allow for vacation pickup and drop off.

Mark Beliveau asked if the staff needs training or certification. Is it regulated at the state level?

Molly Darling replied no certification but they will hire 2 full time experienced people. Not regulated by the state other than a license.

Robert Smith, Chairman asked about the number of staff.

Molly Darling commented that any one time they will have 4 full time people on staff plus dog walkers. 2 full time people in the kennel and 2 in the daycare.

Robert Smith, Chairman commented that when you have a full house that is a dog every 1.5 minutes. That is assuming only one person per dog.

Robin Wunderlich commented that currently the access around the building is very narrow; they plan to widen it to 22' making it two lanes around the building. Also, some daycare dogs are only half day.

Ed Bannister asked if the grooming will be a self wash?

Molly Darling replied it will be staff only.

Mark Beliveau commented that the plan is labeled a Conceptual Site Plan. Why is this?

Mike Schlosser, MJS Engineering commented that the survey information is missing, a large portion of the topography is missing and there is no lighting on the plan. They want abutter and board feedback and will submit updated plans for the next meeting.

Public comment

Bill Hawe- 150 Mast Rd asked if he could tape the meeting for the abutters that are not able to attend. He spoke that he wasn't notified of the ZBA hearing until the 30 day appeal process was over, the Board should send it back to the ZBA.

Mark Beliveau addresses this and explained that this Board has no authority to send it back to the ZBA.

Bill Hawe spoke with the following concerns.

- License- the state does have a license requirement, and it's available on the web.
- Traffic- a large number of cars per minute, traffic back up already, already a problem area with the intersection. Driveway is across from a stop sign, mess with cars turning.
- More than 121 dogs when you consider all the services, grooming, daycare, kennel. This number of canines in one space is not in control.
- Dog walking in the buffer zone is new addition to what they had seen in previous plans.
- Sound-quality of life is addressed in the ordinance, this is a residential neighborhood. He measured the sound in the woods today it is 30db, which is whisper level. To hear people say that dogs won't bark he feels isn't true.
- Injuries- most head and neck injuries are at a walk, dogs are perceived by horses as predators. He is extremely concerned with safety. They have people from all over New England that come and ride there, they snowshoe there, cross country ski and they walk there. If building a wall would keep out the noise, the race track would build a wall.
- Septic- there is no plan. Herbivores and carnivores are different in the food chain. Dogs are meat eating animals and their waste is toxic, if it is spread on the ground it will enter the food chain.

John Hall- 8 Captain Parker Dr spoke with concerns of the traffic. Who handles this? He reiterated that the intersection is a concern, adding a lot more traffic in commuter time making this intersection a great problem. He has a neighbor's dog that barks all night, he doesn't like it.

Robert Smith, Chairman replied that this is a state highway; the state handles the driveway permit and might possibly ask for a traffic analysis. They govern the intersection; we only have control over town roads.

Jonathan Pennock 11 Earle Dr. represents UNH. He explained that when he first heard the rumors of the proposal, he instantly thought they were moving. After meeting with the applicants he feels they have done a good job with the preliminary plan. If it gets approved, he hopes to stay there. He does agree that the traffic is a problem and is equally concerned as the others.

Jacob Browlyn-150 Mast Rd asked for clarification on the number of dogs.

Robin Wunderlich stated that they are proposing/in discussions of 80 dogs.

Jacob Browlyn commented that the average dog bark is 100db.

Andy Ward, Caldwell International agent for the seller. He feels that this is a reasonable use for the property; he feels that would be great for the community, both are on fairly large lots. There is a vegetative buffer between the buildings and the lot line. He grew up in a rural area he had horses his horses and dogs all got along.

Jocelyn Hawe- 150 Mast Rd spoke with the following concerns.

- Decreasing her property value
- If she were to build a home on the property it would be on the land adjacent to the kennels, if she were to sell that lot, the kennel would be a severe deterrent to the value. When they purchased the land they declined to put it in conservation easement so they could potential build on the land.
- They already have problems with the other neighbors due to the paint ball. Sudden bursts of sound that causes problems. 6' fence will not stop this. It's not a matter of if someone falls off, it's when.
- Trail- it can't just be moved as most of the property is hay field. If we relocate the trail it will be over the hayfield. Then the board will increase because they have to buy outside hay and then she will lose boarders. They only place they can use the trail is in the woods due to the wet soils in the fields.
- Dog urine- they have a program to collect the feces but what about the urine? She is concerned about Chelsea Brook with the dog urine.

Karen Imel- 25 Wanderbolt Dr. Hampton spoke with the following concerns.

- Vague on the number of dogs, should concentrate on the number of dogs.
- Regulated if the state doesn't regulate the number of dogs, and the hours, potential there could be 120 plus dogs outside at one time.
- Management can be chaos depending on who manages it.
- Fence isn't high enough, if someone falls off, then you have a loose horse on Rt. 155, it's a very busy road. Need to definitely have sound proofing.
- Nothing definite, a lot of possible.

Robert Smith, Chairman explained that the plan is proposed, if it is accepted all that is talked about will be required as an example a traffic study.

Judy Eitler, 1 Sheep Rd. She is a boarder at the neighboring Farm. She isn't afraid of dogs. None of the horses there are afraid of dogs. You can ride down a trail with dogs and they are not afraid of dogs per say. Dogs can smell the horses before they see them; it's the nature of the animal. The nature of the animals is one is a predator and one is prey. They don't get along, nature takes over. Horses are a dangerous animal; they spin, buck and bolt. They are hard to handle when they do this. Instinct takes over training. She has come across all types of animals in her years of riding; she strongly urges the planning board to toss out this proposal. It doesn't lend itself to

compromise, it will have a lot of adversity if approved, police will be called a lot etc. Take serious consideration and turn down the proposal.

Lisa from Northwood. Her daughter rides at the farm. No doubt to her that it will have a lot of negative impact on the surrounding properties. Her daughter rides there and is not an experienced rider, this worries her.

Frank Eitler-1 Sheep Rd Very good points here. He thinks the applicants have made a good attempt, but the plan is half baked. If this is granted, it is a ticking time bomb. He has seen horrific accidents, many with dogs. Bad things will happen. The plan needs more developing. Very poor match next to a horse farm. Rats live off of dog feces. Plan needs a lot of work, please reconsider and relocate someplace else.

Jim Robinson-33 Oyster River Rd, Durham spoke with the following concerns.

- Safety concerns -the two uses are not compatible, unsafe,
- Need proper permits for dog waste.
- Noise impacts to neighborhood
- Traffic impacts at intersection
- Special exception or a variance granted?

Robert Smith, Chairman explained that as the process continues, the plan will be compared to the ZBA approvals to make sure they match.

Leslie Webb -28 Riverside Farm Dr. spoke she also has a horse farm, she has seen her horses nearly break the fence when something as simple as the snow dropping. What is the number of dogs they would have outside at one time? Traffic issues need to be addressed.

Molly Darling commented that at full capacity a maximum of 40 dogs will be outside at one time.

Christina Marshall- Fox Garrison Rd spoke with concerns of the paint ball that is at the adjoining property with the dogs. Have then looked into this?

Cloe Hodd- Strafford Ave Durham. Agriculture is the nature of the area; Mast Rd has lots of fields. Spoke with concerns of the dog feces. Trail can't be moved. Spoke with horse and safety concerns.

Floor closed to public comment at 10pm.

David Cedarholm asked Mike Schlosser, MJS Engineering if there is enough road frontages for an additional curb cut?

Mike Schlosser replied they will look into this and discuss it with the DOT.

Caren Rossi explained that an abutter Jackie McCabe was going to send an email to be read into the record but she has not received it. It appears the Towns server is down, this could be the reason. She will read it into the record at the next meeting.

Robert Smith, Chairman explained that this hearing will be continued to March 12, 2014.

MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Robert Smith, Chairman

Edward Bannister

Lou Ann Griswold

Robert Moynihan

David Cedarholm

Mark Beliveau