

**MINUTES OF THE MEETING  
LEE ZONING BOARD OF ADJUSTMENT  
Thursday, July 31, 2014  
7:30 PM**

**MEMBERS PRESENT:** Tobin Farwell, Acting Chairman; John A. Hutton III; Philip Sanborn Jr.; Frank Reinhold, Jr. Alternate; Craig Williams, Alternate; and Peter Hoyt, Alternate (non-voting)

**OTHERS PRESENT:** Jim Banks, Peter Walzack; Judy Eitler; Colleen Latham; Emily Latham; Robin Wunderlich; Molly Darling; Attorney Chris Wyskiel; Attorney Matt Whitehead; Attorney Tom Hildreth; Rich Sorensen; Trudi Puffer; John Puffer; Ben Heiderscheidt; Brian Belmont; Bruno Posset; Lisa Lentz; Emily Lentz; Karen Benoit; Frank Eitler; Attorney Sharon Somers; and Caren Rossi, Planning/Zoning Administrator.

**(Z1415-03)**

**An appeal of the Planning Boards Decision to consider the plans submitted by Molly Darling and Robin Wunderlich in support of a Dog Daycare and Boarding Kennel at 122 Mast Road without referring the plans to Zoning Board of Adjustment.**

**The original hearing was before the Lee Zoning Board of Adjustment on December 18, 2013.**

Tobin Farwell, Acting Chairman opened up the continued meeting at 7:36 pm. He explained that at the last hearing the public comment segment of the meeting was completed. There will not be any public comments unless a specific question is asked from a member of the Board. It will just be the deliberations from the Board unless a question is asked of the audience.

Tobin Farwell, Acting Chairman addressed each of the 7 items outlined in the motion.

Dogs- he isn't interested in the number of dogs, number of dogs was discussed but he doesn't feel limiting the number, this will get worked out at the planning board.

Woods/trees- not on his radar/consideration. The plans showed a buffer and the aerial shows a buffer. Amount isn't the ZBA issues it is the planning boards.

Parking- we can ask questions about the parking but this is handled by the planning board, not the zoning board.

Small animals- did see a room on the original plan showing small animals. They are kept inside, not concerned about this.

Licensing- not concerned with this, they will do what has to be done.

Composting- has now been taking off the table, non-issue, no discussion.

John Hutton stated he is looking at just the use of the building. Yes or no. All the issues raised are planning board issues. He has served in the past on a very active planning board as well as was the chair; he has yet to see a plan from the ZBA that resembles what is approved by the

planning board. The planning board addresses all of these concerns, they are all great concerns that they will address. He continued to say when he presented for another daycare in town, the planning board held them to very tight restriction of the number of dogs and he feels they will do the same here. If he were to do it again he would still say yes, and the planning board will deal with the issues, as they are all planning board issues to deal with.

Frank Reinhold stated he feels issues two thru six are completely off the table. He feels the planning board can address these issues. He heard 42 dogs in the application not over 100. He feels he would have voted different if heard that amount of dogs. He feels with it being in the agricultural/residential zone, there is a substantial difference that what was presented or what he heard what was presented. He doesn't feel he grasped that number of dogs outside and feels it should be revisited.

Philip Sanborn stated he feels the only firm number asked was the kennel dogs, it was never asked specifically the number of daycare dogs. Have they actually asked it, maybe it would have been different. He doesn't feel that it is a change if it was never asked. He also doesn't have any issues with the other items.

Craig Williams stated having been a newer member he isn't exactly sure of the process but he knows about these types of facilities. He knows the differences between a kennel and a daycare. He knew the 42 was just for kennel dogs and not daycare dogs. He knew there would be more daycare dogs. As far as the noise issue, not all of the dogs will be outside at once. They are all well adjusted dogs and won't bark continuously, they will be playing etc. As far as the horses spooking, he feels that the horses are more apt to spook at cars backfiring or honking of a horn not at a dog barking. If parents are concerned about their Childs safety, then they shouldn't ride horses, as they will fall off. Licensing is a non-issue. There are no licenses required. A Kennel Licenses is for the breeding and selling of dogs you don't need licenses for a daycare. The building has always been an industrial building, to buy near it, you should have known better.

Frank Reinhold stated that he feels he would have voted differently if he had known a total number of dogs. He stated he also feels that it there would be a diminution of property values in the criteria findings.

Philip Sanborn stated I move to deny the relief requested by the group "Lee Residents for Their Neighborhood" and find that under Skylar Realty, Inc. v. Town of Merrimack, there are no relevant differences between the proposal presented to the ZBA and the Planning Board for a dog day care and boarding kennel and that the variance remains valid as applied to the proposal before the Planning Board.

John Hutton second.

Discussion

John Hutton stated win, lose or draw, you people have a huge amount of influence with the planning board, continue to be involved.

Tobin Farwell, acting Chairman clarified for the record that Peter Hoyt is not voting.

Vote: Yes: John; Philip and Craig

No: Frank

Majority, motion carried.

Meeting adjourned at 7:55pm.

MINUTES TRANSCRIBED BY:

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Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

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Tobin Farwell, Acting Chairman

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John A. Hutton III

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Philip Sanborn

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Craig Williams, Alternate

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Frank Reinhold, Alternate