

**Ashland Planning Board  
Meeting Minutes  
August 5, 2015**

Members Present: Susan MacLeod (chair), Carol Fucarile, Mardean Badger, Cheryl Cox and Fran Newton.

Others Present: Christopher Boldt of Donahue, Tucker and Ciandella, representing the abutters Scott Bell and Frank McBournie; Daniel Muller, representing Donald Lester applicant; Anthony Guyotte, agent of record for applicant; Anthony Randall LLC, surveyor for Donald Lester Site Plan; Brian Chalmers, Normand DeWolfe, Kathleen DeWolfe, Stephen Felton, Ann Lamson, Katie Maher; Scott Bell, Frank McBournie, Jeanette Stewart, abutters to the Lester property.

The meeting was called to order at 7:00 pm by Chairman Susan MacLeod.

DONALD LESTER SITE PLAN

The Donald Lester Site Plan Review is Case 2015-04.

Susan MacLeod, chair of the Ashland Planning Board opened the meeting explaining what a Site Plan Review is. The Site Plan Review statute is 676:4.

The Planning Board went through a Site Plan checklist to make sure it contained all necessary information for a Site Plan before they made a motion to accept the Site Plan Application.

Susan MacLeod asked that a motion be made to accept the Donald Lester Site Plan application. Mardean Badger made the following motion: **“I make a motion to accept as complete, the application for the Site Plan referenced ‘Existing Conditions Site Plan for Donald Lester Showing Northern Lakes Veterinary Hospital, LLC in the Town of Ashland, NH, Tax Map 18 Parcel 2-2, Surveyed September 29, 2014 by Anthony Randall, LLS and hand-dated by surveyor on January 8, 2015.’** Fran Newton seconded the motion. With five yes votes the motion passes.

With the acceptance of the Donald Lester Site Plan application, the Public Hearing portion of the meeting was opened.

Anthony Randall, surveyor of Anthony Randall, LLS spoke before the Ashland Planning Board. His concerns were

- That the septic system on the Lester property met the requirements for DES. If in the event that the septic system failed, a new septic system would be installed per DES requirements and regulations. He did not see any reason to contact DES on this matter. He volunteered to write a letter and submit it to the Ashland Planning Board stating that the present septic system on the property met all DES requirements. Susan MacLeod requested that just such a letter be sent to the Ashland Planning Board.
- Mr. Randall addressed the Board indicating that there was a confusion of dates. A site Plan is dated the date of the title and that date is used throughout. Surveyor dates the plan

the day he stamps it. If the plan is revised there is a revision box on the plan denoting the date of revision. It is an as-built plan which is as you see the property today.

- Mr. Randall asked that he be notified of any additional conditions requested by the Planning Board of the applicant so he could do a final revision of the Site Plan before the continued public hearing.

In reply, it was stated that the stamp date (January 8, 2015) was the one referenced in the Notice of Decision from the ZBA (first as January 3, corrected to January 8), and the motion to accept this application mentioned both the title survey date and stamp date to avoid further confusion.

Attorney Daniel Muller representing, Donald Lester the applicant, spoke in favor of the Site Plan presented to the Ashland Planning Board. The Attorney advised the Board that Dr. Lester had spoken with an acoustic company and had bought the proper acoustic material recommended by the company. Dr. Lester had the acoustic material installed on the outside of the chain link fencing facing the abutters' property. A copy of the invoice and material specifications were submitted July 15, 2015 with the Site Plan, and the installation was acknowledged in a letter from the applicant received on July 28, 2015.

The Planning Board members asked

- If the acoustic material purchased was adequate enough to cover the area of the property the Site Plan was addressing;
- If the acoustic material adequately met the conditions of a "certified sound barrier" required by the ZBA;
- Has the acoustic material purchased adequately addressed the sound problem;
- Is the present fence high enough and long enough to fully address the noise problem;
- Are the steps taken adequate to cut down the sound problem;
- How to determine that this is an adequate solution.

Susan MacLeod advised that the Planning Board has all documentation from the ZBA for Special Exception and variance, and the NHDOT Driveway Permit. We have all prior approvals necessary from other sources if the need for DES septic certification is resolved by Mr. Randall and his letter is received.

Attorney Daniel Muller, representing Dr. Donald Lester addressed the Planning Board saying that the fence was 8' high and 16' long which both the applicant and the company deemed adequate to mitigate the noise. The windows on the building were installed going down which was also felt would mitigate the noise from barking dogs inside the building. Attorney Muller addressed the Board indicating that there is supplemental material as well as the submitted specifications from the manufacturer of the acoustic material; Mr. Muller will provide this to the Board.

Susan MacLeod requested the applicant provide documentation from the acoustic material manufacturer stating the problem and the company's recommendations for the solution for noise mitigation; that the acoustic material and its on-site application (the fence high enough and long enough) addresses the entire appropriate area for noise mitigation.

Atty. Muller addressed the Planning Board to explain how the purchased acoustic material would mitigate the noise coming from the property. He explained:

- It is an engineered material from an acoustic material company and it covers the entire backside of the outside chain link fence facing the abutter's property. It is industrial application acoustic material. It is used in kennels (been used in a kennel in Iowa). It is equivalent to acoustic material made out of lead which is one of the best sound mitigation materials. The material used here does not absorb the sound but transforms it into inaudible friction energy so there is no sound. Reduces the sound by 80%.

Attorney Christopher Boldt, representing the abutters Frank McBournie and Scott Bell had concerns

- Looking at the acoustic material manufacturer's data, questioned whether the material (tested at 74 degrees) can function in the temperatures in this part of the country.
- The acoustic material being put on one fence instead of all fences particularly outside the kennel walls does not meet the sound mitigation goal.
- That the Board exercise its rights under 3.2.c of the Site Plan Review Regulations to have an engineer who deals with acoustic material make an evaluation of the material.
- That the applicant was putting a commercial property in a residential neighborhood.
- That the acoustic material used to satisfy the noise mitigation condition of the ZBA was not adequate. He submitted decibel data to back up his contention.
- That the buffer between the Lester property and the abutters was not adequate and did not meet the Site Plan Review Regulations, Section 2-8.
- Atty. Boldt was concerned that Site Plan Review Regulations, Section 2-8a dealing with the proper width and type of buffer had not been met.
- He requested that the Ashland Planning Board hire an acoustical engineer at the expense of the applicant to determine the level of noise and the proper way to mitigate the noise.

Jeanette Stewart, an abutter addressed the Planning Board with her concern that this issue has gone on too long and needs to be resolved.

Daniel Muller, attorney for the applicant Donald Lester and Christopher Boldt, attorney for the abutters disagreed on the type of vegetation that should be planted in the buffer between the abutters and the Lester property. It was suggested that the vegetation go along the 25' setback boundary of the property, but did not have to cover the full length of the boundary. All parties must come to agreement about the type and size of the vegetation to be planted in the buffer.

Susan MacLeod made a motion to continue the Public Hearing on the Lester Site Plan to the next scheduled meeting of the Ashland Planning Board. The Public Hearing will be continued to Wednesday, August 26, 2015 at 7:00 PM at the Ashland Elementary School Library. Fran Newton seconded the motion. With five yes votes the motion passed.

#### DISPOSITION OF MINUTES

The minutes for the July 29, 2015 work session were reviewed. Mardean Badger made a motion to accept the July 29 minutes as written. Fran Newton seconded the motion. With five votes in the affirmative the motion passed.

CORRESPONDENCE

Susan MacLeod advised the Board that she was in receipt of the schedule for municipal workshops scheduled from September through October. Due to the lateness of the hour she will send the information to the membership via email.

The discussion and review of the Design Standards and the Home Occupation Application review were tabled for this meeting. They will be discussed at a future meeting.

**The Lester Site Plan public hearing was continued to the next regular meeting of the Ashland Planning Board. The next regular meeting, of the Ashland Planning Board will be Wednesday, August 26, 2015 7:00 pm at the Ashland Elementary School Library.**

With nothing more to come before the Board the meeting was adjourned at 8: 25PM.

*Minutes submitted by Paula Hancock*