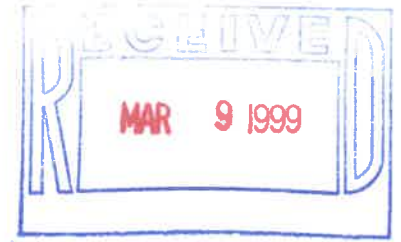


**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of March 4, 1999

Members Present: Gary Nolan, Tom Paine, Rich Furlong, David Silverman, Theresa Breault, Carol Jennings, and Paul Trudell.

Members Absent: None.

Guest: Duncan Nash, Ed Lamphier, Frank Lamphier, William Danforth, John Standish, Hal Stevens, Richard Workman, Lisa Darden, M.S. Hundal, Gregory Wight, Jeff Lively, Linda Wood, Ernie Ruskey, Steve Stitzel, Wil Jaremczuk, and Amy Noyes.

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

Theresa made a motion to approve the minutes of February 25, 1999, as written.
Tom seconded the motion and it passed unanimously.

Theresa made a motion to approve the minutes of February 4, 1999, as written.
David seconded the motion and it passed unanimously.

**WARNED RECESSED HEARING, NORTH COUNTRY ANIMAL LEAGUE, ANIMAL
SHELTER ROUTE 100 SOUTH.**

Gary reconvened the hearing and gave an overview of the application. The application is to be reviewed under Sections 260, 263.e, 450-454, 500-503.4 and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Gary said all members but himself were at the site walk on February 27, 1999 with four dogs barking in the location of the proposed dog run and readings were taken from various locations. Gary said he would ask the Development Review Board members to tell for the record their observation from the site walk.

Mr. Stevens objected to allowing the DRB members to give their observations

Gary acknowledged the objection and asked Paul to give his observations.

Paul said the site walk took place on February 27, 1999 on Saturday morning. Those present were DRB members, applicant and others, and at least six airplanes flew over. Four dogs were in the approximate location of the dog run. The temperature was 24 degrees with a north wind. Mr. Workman was taking impulse frequencies and Mr. Wight was taking decibel levels.

Location one at 110' toward the north: can hear dogs barking clearly. Location two at 110' toward east: can hear dogs barking without traffic, barking is muffled by road noise whines, yelps and loud barking audible, road noise is hum. Location three white sign about 250 feet from location two and 30 feet from edge of Route 100: dog barking, yelps and whines audible without traffic, barks are muffled with road noise, also stood at sight line of dogs and existing building and could hear barking. Location four, Mr. Standish's driveway, about 350 feet from Route 100: can hear dogs barking without traffic though intensity is less, barking is muffled by traffic, Could hear adjoining property owners dog clearly. Location five Condon shared driveway in back of neighbors house: can hear dogs without traffic, traffic masks sounds but still audible. Location six Danforth parking area between white houses 30 feet from Route 100: can hear high yelps without traffic, barking, yelps, barley audible with traffic. Location seven at the Farm Resort 7th tee: can hear yelping without traffic as traffic approaches from the south traffic noise completely covers dogs, without traffic dog barks are muffled. Location eight at Farm Resort second floor balcony between rooms 204 and 205: can hear dogs barking and yelps without traffic though noise is muffled and low in intensity, as traffic approaches from the south and reaches property line dog yelps and barks become muffled and as traffic continues towards Farm Resort dog barks not audible.

Tom concurred with Paul's observations.

David said the noise at Mr. Standish's house was more noticeable than next to Route 100, the area is pretty noisy.

Theresa At Mr. Standish's house very audible, muffled at Mr. Danforth's house and background was noisy.

Carol was with the dogs at the location of the proposed dog run.

Rich with traffic barely audible and without it could be heard, did not sound all that loud.

Gary said that new testimony and testimony on the site walk would be allowed. The Town has Steve Stitzel as the DRB attorney and Dr. Hundal as its sound expert. After any new testimony and tonight's question each party will have ten days to submit finding of facts. The DRB may go into another deliberative session after hearing tonight testimony.

Mr. Lively asked if we would be closing the testimony after tonight.

Gary responded no as when we get to a deliberative session we might need additional information or clarification.

Ernie Ruskey answered items number 9 through 12. The dog run will be 16' X 20' and it will have a solid barrier on the north and east sides and the building on the south. The barrier wall on the north will extend eight feet beyond the open west side. It will be constructed of shiplap lumber 2"X 6"X 8' with columns on the outside and it will have an STC rating of 29.

Gary noted for the record that every one who was under oath from previous hearing on this application is still under oath.

Theresa administered the sworn oath to Frank Lamphier.

Mr. Ruskey continued with his testimony. The windows will be a combination of awning and double hung clad windows. The window are double insulated. They will be awning in the kennel and double hung elsewhere. The windows will have an STC rating of 31.

Paul asked about the design as to the sound leaks

Mr. Ruskey said they would use foam sealant.

Paul asked that a bead of sealant placed around the window opening before setting the window in.

Mr. Ruskey agreed to Paul's request. The STC rating for the kennel and the rest of the building will be 37 determined from the Architectural Graphic Standards.

Paul commented that this rating was low.

Mr. Ruskey said that they have Ed Pearson for the HVAC mechanical system. He looked at the two areas where the sound is a concern. The chiller is 56 DBA's at 100 feet and virtually inaudible at 200 feet. The air handling system will have five location where it will be exhausted and each will filter particular matter before exhausting. This system is inaudible at 50 feet.

Mr. Stevens objected since the person is not here this testimony should not be allowed.

Paul asked if bends could be put into the duct work and could they be lined vents.

Mr. Ruskey said yes and that they can use also use flexi-duct work.

Mr. Stevens asked is the STC rating for a closed building.

Mr. Ruskey said it is the combination of the building components

Mr. Stevens asked about the number and size of the vents.

Mr. Ruskey said there are five vents located on the gable vents on the west side and that the size has not been determined.

Mr. Workman asked about the absorption of the materials in the dog run.

Paul commented that wood is not a good absorber.

Gary asked Paul if he could explain STC ratings

Paul said no.

Ernie said it is the combination of the construction materials.

Mr. Workman asked about the STC transmission loss through the barrier at a given frequency. Sound will reflect off the windows and walls and can go over the walls. Mr. Ruskey is there a line of site from the kennel to any portion of the golf course

Mr. Ruskey responded yes.

Ms. Wood submitted a document on community facilities and fees that can be charged when you are a non profit from the IRS and an accountant.

Gary asked Ms Wood if she has submitted it to the DRB as an exhibit and given it to the interested parties.

Mr. Stevens objected since the IRS and the accountant were not in attendance.

Mr. Wood submitted a video of the site walk.

Mr. Wight went over his reading at the site walk on the hand out he passed out.

Gary noted for the record that we have received the credentials of all three sound experts.

Paul asked if the lowest reading was with no traffic and no dogs.

Mr. Wight said correct.

David noted that these calculations do not include the proposed walls.

Mr. Wight stated that this will reduce the number by an STC of 28 and will result in a lowering of the DBA probably something less than 28 db maybe around 10 DBA's.

David asked if the STC and the decibels are a direct one to one reduction in decibels in theory.

Mr. Wight responded yes at particular frequency but not directly translatable that you can subtract 28 from the readings.

David the reflection from off the building to off the run walls out to the rest of the world
Mr. Wight off a hard surface it hits the barrier and bounces straight back but the more it reflects the more it dissipated its intensity. It is hard to pin it down without knowing all the materials.

Rich asked about the sound bouncing off the snow/ice in the winter verses in the summer time.

Mr. Wight said it is about a wash since people have open windows.

Mr. Ruskey said there are no windows directly to the run.

Mr. Workman asked about windows on the barn side.

Mr. Ruskey said no

Mr. Workman asked Mr. Wight about the noise reflection, wind, and temperature.

Mr. Wight said some of the noise will bounce around and go over the walls, and wind and temperature are factors.

Mr. Workman asked several question about the equipment and the use of the equipment by Mr. Wight responded to the questions.

Mr. Stevens asked if he would have time for a rebuttal

Gary said yes.

Mr. Stevens asked how long it took to do the readings and if new dogs were brought out every 20 minutes.

Ken responded about two hours and they were the same for dogs.

Mr. Stevens asked about the traffic level and if these studies were done at different times and days of the week.

Mr. Wight said the traffic was light and no the readings were taken at site walk

Mr. Stevens ask if he offered his meter to be checked over by the other experts.

Mr. Wight said no but they all were their and if anyone had asked the could have looked at anything they wanted.

Mr. Lamphier stated that golfers are bothered by a impulse sound not a steady noise.

The Board took a five minute recess with their counsel

Gary asked Mr. Workman to keep is rebuttal to the new information.

Mr. Danforth asked about bedding used in the facility.

Ms. Wood said they do not use bedding

Mr. Workman read from a textbook. He stated that his equipment is very accurate and is calibrated each year. Based on the conditions that he recorded the wind speed was 14 MPH and the temperature rose throughout the morning so the data taken at the site walk is invalid beyond a point 300 feet (after location #5) from the dogs. The weather created a shadow zone. The correction of the data could be as much as 20 DBA as do the angle of the wind and with temperature rising. His meter has a hold on it and he used it when people were talking or other noises. His meter also can hold the background in combination with the dog barks. His level are mathematical extrapolation to counter the physical conditions at the site. The background level that he took were for four hours and said that the traffic level was not same throughout the day or that of other days and times. The impulse readings are .5 seconds to 1.5 seconds depending on the community. He explained about his microphone. The correction charts exclude all background noises. The chapter on noise induced should be read and it is chapter 23 in his

handout. He explained how the noise will articulate off the walls in the dog run and the transmission loss of the barrier wall. The traffic levels vary and traffic studies show this.

Mr. Livley objected since Mr. Workman did not do or have a traffic studies.

Paul asked if the noise heard on the site walk was a nuisance.

Mr. Workman said yes in some instances.

Theresa administered the sworn oath to Dr. Hundal.

Dr. Hundal went over his observations from the site walk as he follow and observed the other two sound experts. He went over how intemperate the data. What is allowed under the zoning regulations. What is the community noise that is heard in the background since no ESL levels were taken. He agrees that noise concern is an impulse sound. He stated that he feel his credentials and methods are accurate and everyone should be accurate on their credentials.

Mr. Workman disputed his membership in an organization and said that he is planning on take the test to be a member.

Gary said the hearing is not closed at this point and that all parties will have until March 14, 1999 to submit written findings.

Paul made a motion to recess the hearing to a deliberative session on March 11, 1999 after the business before the DRB that night is completed.

Tom seconded the motion and it passed unanimously.

Other Business:

Gerald Sutton: Mr. Sutton has submitted a new site plan to Ken. The site plan still does not meet the minimum requirements of Section 500 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Ken is to send Mr. Sutton a letter that the site plan is not acceptable.

Steve Stitzel will supply the Town with a sample boiler plate noise ordinance.

Paul made a motion to adjourn the hearing at 10:50 PM

David seconded the motion and it passed unanimously.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.