

DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

DUNBARTON PLANNING BOARD  
WEDNESDAY, OCTOBER 16, 2013  
DUNBARTON COMMUNITY CENTER – 7:00 P.M.

The regular monthly meeting of the Dunbarton Planning Board was held at the above time, date and place with Chairman Ken Swayze presiding. The following members were present:

Kenneth Swayze, Chairman  
George Holt, Co-Chairman  
Alison Vallieres, Secretary  
Michael Guiney  
Charles Frost  
Les Hammond, Selectmen's Representative  
Kelly Dearborn- Luce, Planning and Zoning Department

Town Board/Staff Members:

Jeff Crosby, Road Agent  
Jon Wiggin, Fire Chief  
Ted Vallieres, Selectman  
Dan Sklut, Police Chief

Matt Monahan, Central New Hampshire Regional Planning Commission

Ken Swayze, Chairman, called the meeting to order at 7:00 p.m. with a 6 member Planning Board present. He noted for the record that all members present would be voting members.

Ken Swayze, Chairman, confirmed with the Secretary that the meeting had been posted in two public places, published in the Concord Monitor for one day and also placed on the Dunbarton Web Site in conjunction with the law regarding posting of meetings, etc.

A. General Board Administration:

1. Approval of previous meeting minutes: Wednesday, September 19, 2013

*MOTION:*

*Charles Frost made a motion to accept the minutes of the previous meeting of Wednesday, September 19, 2013 as written. Michael Guiney seconded the motion. The motion passed unanimously.*

2. Correspondence:

Alison Vallieres, Secretary, reported that she had received no correspondence.

Kelly Dearborn-Luce reported that she had e-mailed out correspondence to the members relating to upcoming Training.

3. Selectmen's Report:

Les Hammond, Selectmen's Representative, reported that he had nothing to report for the Board of Selectmen.

4. Building Department:

Kelly Dearborn-Luce reported that Building Permits were continuing to be submitted and there is the possibility of another Planning Board Application for the coming month. The Zoning Board is relatively quiet for the time being.

**CONTINUED PUBLIC HEARING FOR SITE PLAN REVIEW - TOM GIOVAGNOLI (D6-04-02)  
PROPOSED SITE PLAN REVIEW TO CONSTRUCT A 46' X 588' BUILDING TO HOUSE 20,000  
LAYING HENS LOCATED AT 57 TWIST HILL ROAD IN THE LOW DENSITY DISTRICT IN  
DUNBARTON, NH**

Ken Swayze, Chairman, opened the Continued Public Hearing and stated that there were 11" x 17" versions of the plan at the table available to anyone who wanted one. He explained the structure of the Public Hearing and stated the applicant/representatives would first do the presentation. He stated that Alison Vallieres, Secretary, will take minutes and the meeting will also be tape recorded. Jennifer McCourt, Engineer, will be making the presentation. There will be no questions taken during the presentation. Have asked the applicants to be concise. This is a continuation of the previous informational meeting held in April. You do not have to be a resident of Dunbarton to comment and/or ask questions. We will limit it to two hours. This is the only major agenda item this evening.

Once the presentation is made, the list of abutters will be read and abutters will be allowed to comment and ask questions.

There will be no major decisions made by the Planning Board this evening. Under State Statutes, the Planning Board has 65 days to reach a decision; this may take longer.

**Applicant's Presentation:**

**John Cronin, Legal Representative** for the project, spoke with reference to the laws relating to agriculture uses as follows:

1. Stated this is an agricultural use in a Rural Residential District on 88 acres of land.
2. Agriculture uses under RSA 21:34-a cover poultry farms and are allowed as a matter of right. Also RSA 674:44 re agriculture. (Attachment #1)
3. Read excerpts from the NH RSA's relating to Agriculture
4. Stated that Tom Giovagnoli presently has a working farm on his property. If he were to put hens into his existing building, he would not have to be here this evening.
5. Regarding impacts on property values, this is a very rural area and a great distance from homes. They will address odors.
6. In New Hampshire and the US, people have a constitutional right to do what they want with their property.
7. This project does not have any restrictions other than setbacks. This meets every one of the conditions.
8. There was an attempt to file an Administrative Appeal saying this use was more commercial than agricultural. RSA 21:34 makes reference to raising and sale of poultry.
9. In the Master Plan, it permits agricultural use and 80% of the people's responses to the questionnaire for the Master Plan agreed with agricultural uses.

Jennifer McCourt, Civil Engineer:

Jennifer McCourt, Civil Engineer, appeared before the Board to address concerns as follows: (Attachment #2)

1. Stated she had been up to Pete and Gerry's in Monroe. Also went to one of the barns that will be set up similar to Tom's. Did smell chickens but not the manure until I was on top of it.
2. Access Road: Will be accessing the barn from the existing Twist Hill Road down past the field. Plan to widen the access road to 18' as required by the Fire Chief. The wetland crossing will be 12' wide. The minimal amount of traffic on the road does not warrant formal passing areas, but most of the roadway abuts field that are regularly driven on by farm vehicles and can be used in an emergency.
3. Mortality of Chickens: Dead birds will be composted per NH Agriculture BMP's in one of the two sheds next to the manure shed. Have spoken with John Porter, Merrimack Agriculture Agent. Tom has expanded the area next to the manure storage. One bin would be composting while he would be adding to the other bin. The compost will be used as fertilizer.
4. Stated the closest house is 1100 feet away. 1400 feet to the nearest storage area. Showed aerial photo of the applicant's property line. (Attachment #3)
5. Wetlands Concerns: Design of the turnaround with parking up near the building and runoff will come down to a sediment pond which is gravel and will be treated by a swale. Roof runoff will go into a sediment pond that discharges into treatment swales and vegetated buffers for the gravel roadway treatment. A single line of silt fence is installed around the wetlands to temporarily protect them. Proposed design includes NH DES AoT BMP's to permanently protect the wetlands. (Attachment #4)
6. Manure: Have spoken with John Porter, Agricultural Agent. Will have a concrete pad to get manure out and one area would be composting while he would be adding to the other bin. Manure will be taken off site. It is a very valuable product to farmers because it is organic. It does not have any commercial fertilizers or other chemicals in it. It provides better hay for cows and horses. It will only be taken out every six months. It is allowed to get crusted over to minimize the fly population and odor and creates a better environment for the chickens. Tom did originally state he would be putting the chicken manure on his fields.
7. Traffic: The Planning Board has requested trips per day which would be generated by this operation. On the average, there will be 1 1/2 trips a week that is going to be added. This will be generated by Tom and his son Eric in maintaining the chickens. Sight distance is 419 feet and 433 feet.
8. Utility Sink: Did add a Utility Sink in the egg collection area on the Site Plan so employees can wash their hands. This will create 300 gallons a day system. That approval has been granted by the State DES.
9. Water Usage: The chickens will use 1200 gallons of water per day. A septic system for three 3 bedroom homes would create 150 gallons per day per bedroom for a total of 450 gallons a day per home and a grand total of 1350 gallons a day for three homes. This is more than the chickens will use. Did a very simple sketch to show we could fit three more lots of over 5 acres in this area before you get to the wetlands.

10. Roadway into Facility: The existing road is not grade cut. You are allowed to do maintenance on gravel roads without going to DOT for permits. Don't have to get Alteration of Terrain permits.

11. Waiver Requests: Requesting a waiver for not surveying the entire property. This parcel is 84 acres and we are putting the proposed development in the middle of the property. Don't feel it would be to have that detail and it would be an extra cost to the applicant for something that would not change the design details. Setbacks for this use are 100 feet. 115 feet is the smallest setback.

12. Generator: There will be a twenty (20) kilowatt generator on site with a proposed 125 gallon propane tank to make sure the chickens do get water, etc.

Noted that Pete and Gerry's will go into a lot more detail on the system.

At this point, Pete and Gerry's did a Power Point Presentation as follows:

Pete and Gerry's Organics:

- is a fourth generation family farm located in the White Mountains of New Hampshire
- is 100% cage-free and the first Certified Humane egg farm in the U. S.
- is the largest organic and cage-free egg company in the Eastern U. S.
- voluntarily participates in rigorous food safety inspection, testing and quality programs.
- supports more than 60 other family farms as contract egg producers.
- is the first egg farm to become B-Corp Certified
- has built a working model of commercial egg production that is sustainable and humane.

Our core values:

- Produce the highest quality organic and cage-free eggs while upholding the highest standards of food safety and environmental stewardship
- Treat our hens humanely by providing a safe, stimulating and productive living environment
- Grow our company by creating sustainable and mutually beneficial relationships with other family farms
- Create a safe, rewarding, and stimulating work environment for our employees

Humane treatment:

*"Happy Chickens Lay Better Eggs"*

Pete and Gerry's is the only company of our size in the egg industry that has chosen to be 100% Cage Free and Certified Humane.

We are the antithesis of the commodity egg industry

- 95% of hens in the U. S. live in cages.
- This would be like 10 humans living in a space the size of an elevator.
- 6 - 8 hens are kept in cages the size of an average microwave
- In a cage a hen can never stretch her wings

We are the antithesis of the commodity egg industry

- A typical single caged hen house now holds between 250,000 and 500,000 hens
- A typical farm keeps 1,000,000 to 15,000,000 hens on one site

Sustainable Growth:

- Fewer than 179 egg companies (factory farms) supply 95% of U. S. eggs
- We are reversing egg industry consolidation by partnering with small family farms.
- Rather than concentrate our egg production, we partner with more than 60 family farms to produce eggs to our standards.
- We have grown our business more than 35% annually for the last 13 years by adding family farms.

Our family farmer partnerships

- The long-term agreement with our farmers obligates us to supply them with hens ready to lay eggs.
- The farmers are obligated to supply the barn, labor, and care to producer eggs to our standards.
- Our service technician visits every farm weekly or bi-weekly.
- Pete and Gerry's retains ownership of the flock and retains control over all food safety, animal welfare and waste management standards.

Size of our family farms:

- Our family farms keep between 5,000 and 40,000 hens on a farm
- USDA Animal Equivalent Units describe 40,000 egg laying hens as equal to 118 dairy cows.
- *If 20,000 hens were kept in stack cages, the barn would be less than 3,000 feet in area.*
- All of our family farms are classified as "Small Family Farms" by USDA NASS.

Water and waste management:

- Proper manure storage and management *prevents* soil contact and pest proliferation.
- Manure is stored in an enclosed area at the end of the barn.
- Manure is valuable to other farmers, and is exported off the farm at least four times a year.

Odor management:

- Manure is removed from the hen area of the barn four times a day using timed automated scrapers.
- Manure is stored in an enclosed pit at the opposite end of the barn from the egg room.
- Barn siting considerations include proximity to neighbors, elevation changes and buffer vegetation.

Water, waste and pest management:

Water, waste and pest control are not voluntary. They are required by USDA and by contract with our family farmers.

*We want our farmers to be good neighbors.*

Key contract points: farm hygiene

Sanitation Practices; Biosecure Facility. *Producer at all times shall maintain the highest level of sanitation at the Facility sufficient to meet all standards set by:*

- (i) PG;
- (ii) any governmental agency, including but not limited to the U. S. Environmental Protection Agency, the U. S. Food and Drug Administration, the U. S. Department of Agriculture, and any state regulatory body; and
- (iii) any poultry industry standards

designed to prevent or control salmonella or other diseases that may develop or be transmitted by poor sanitation practices.

*Insect management and rodent control must be maintained at levels and by methods acceptable to PG in its sole discretion. Producer shall operate the Facility as a biosecure facility in compliance with the FDA Egg Safety Rule, Homeland Security Act, Industry Disease Control, and federal poultry disease epidemiology standards.*

*Insect management and rodent control must be maintained at levels and by methods acceptable to PG in its sole discretion. Producer shall operate the Facility as a biosecure facility in compliance with the FDA Egg Safety Rule, Homeland Security Act, Industry Disease Control, and federal poultry disease epidemiology standards.*

**Key contract points: farm hygiene**

*Manure and deceased layers shall be the property of Producer and must be disposed of in a manner satisfactory to PG, and in accordance with applicable state and local laws, in strict consideration of water quality, air quality (odor management), and neighboring property. In the event that Producers fail to implement and consistently abide by manure and deceased layer management practices in a manner acceptable to PG, PG may, at any time and in its sole discretion, upon oral notice to Producer, use its own personnel or designate a third party to manage manure and deceased layers, in which event*

(i) Producer will provide all access to the Facility and cooperation necessary for PG or its designee to complete those tasks and

(ii) all personnel, subcontractor, or other costs incurred by PG in connection with those tasks will be itemized and deducted from Producer's Pre-Production Base Payments or Production Payments, as applicable.

**Flock Management Requirements.** Producer will adhere to the management protocols specified in **Addendum B.**

**Farm and flock management**

**Flock Advisor Authority; Layer Care Paramount; PG Authority to Step In.**

*Producer agrees to follow PG management and sanitation protocols and to promptly, properly, and completely carry out all instructions and recommendations of the flock Advisor regarding feed vaccinations, medications, lighting, heat, ventilation and other matters relating to the proper health and care of the Layers.*

Producer acknowledges and understands that it is the goal of both PG and the Producer to achieve or exceed breeder standards for productivity of the flock through effective management.

Producer further agrees and understands that the flock Advisor or any other PG designee shall have the right at any time, without prior notice, to enter the Facility to inspect the Layers, their feed, the Flock Charts, and any other aspect of Producer's operation to ensure compliance with this Agreement and the PG Care Standards.

**Farm and flock management**

In the event that PG determines, in its sole discretion and judgment, that Producer is not in compliance with the PG Care Standards or that the health or wellbeing of the Layers

entrusted to Producer is at risk, *PG shall have the right to enter the Facility and take such action as it deems necessary to address the situation, including, without limitation:*

Have PG personnel or a designated third party take over direction and, control of the Facility for as long as is necessary to protect the well-being and production of the Layers and PG's interests:

If PG or regulatory authorities determine that a disease or other emergency situation exists, remove, quarantine, or destroy the Layers, as PG deems necessary; or Terminate this Agreement.

Producer will provide all access to the Facility and cooperation necessary for PG and its designees to fully address the situation. Producer also acknowledges and agrees that PG will be irreparable harmed if PG is unable to access the Facility or promptly undertake corrective or preventive measures, including those outline above, and that PG shall be entitled to immediate and appropriate injunctive relief from any court of competent jurisdiction, without the posting of a bond or demonstration of irreparable harm.

OUR PARTNER FAMILY FARMS HOLD OUR REPUTATION IN THEIR HANDS.

WE ARE VERY CAREFUL TO HELP THEM MANAGE THAT RESPONSIBILITY.

THANK YOU! THEY ROAM WHERE THEY PLEASE.

John Porter, UNH Cooperative Extension - Stated he worked for UNH Cooperative Extension on a part-time basis. He looked at the site and found it is in the middle part of the property and very well buffered. Questions were how are they going to handle the birds and also another is how will the manure be exported off the property. There will be no build up of manure. Stated he visited Pete and Gerry's at the Monroe Farm. Was very impressed with the business plan that is put together that the farmer is bought into. This is a company with a lot of track record. Made a visit to see and decided quickly that the area will be buffered. Was pleased to see how they were handling manure. Presented a copy of a publication from Cooperative Extension "Nuisance Myths and Poultry Farming" and a publication from Clemson University re "Odor Control From Poultry Facilities"(Attachment #5 and #6)

Board Discussion:

George Holt asked about the water requirements of 1200 gallons per day and feeding the hens. What about water for cleaning. George Holt has also done a Site walk for the Conservation Commission.

Jen McCourt stated that this would require a small amount of water for cleaning. Water from the pressure washer would end up in the manure pit.

Ken Swayze, Chairman, stated that several members had visited the Monroe Chicken Farm and asked them to speak to the issue.

Les Hammond stated that he and Mike Guiney visited the Monroe chicken farm after the April meeting and were unable to smell any chicken manure. They gave us a tour. The farm processed 1,000,000 eggs per day. Stood out in the parking lot and there were four barns nearby and if you closed your eyes you could not tell there was a barn nearby. They took us down to a new farm exactly like Tom will be building. Started walking to the door and just around the corner there was a cow manure pile. Discovered that was the smell we had smelled. He stated they walked around to the end by the manure pile and could not smell anything. There were four 4' fans blowing on the manure and we could not smell anything.

Mike Guiney stated that he agreed that there was no smell of chicken manure at the Monroe facility. He did notice a pile of manure with small bugs on it. The bugs did not appear to be flying around just sort of stayed dormant on the manure pile. The bugs did not bite and when we were done, the bugs seemed to be interested in the manure. The noise of the chickens from standing outside the barn, you could not tell there were 20,000 chickens. We were able to converse a little bit.

George Holt noted that they had provided for a generator.

At this point, Ken Swayze, Chairman, opened the Public Hearing.

Abutters were read as follows and noted all had been notified by Certified Mail:

Barbara Anderson, Trustee - Present. Stated she had done a lot of research. If this is going up next to your home, what would your concerns be? How is it going to impact the property value of your homes. I know there are people who will speak to this. Want to say that this is my opinion, it will affect my property value.

Robert and Megan Dufresne - Present - Concerns are if Pete and Gerry's are not satisfied with what is going on with the business, they could cease the contract with Tom Giovagnoli. Would the Board allow them to continue to raise chickens there or would they have to go to another farm? What if there are 40,000 chickens instead of 20,000.

Ken Swayze stated this would be a Land Use Function. Stated there will be standards. Noted the State of New Hampshire has a Department of Agriculture which governs agricultural operations. We also have a Department of Environmental Services of which Thomas Burack, who is the Commissioner, who used to be a resident of Dunbarton, is involved with. This application is with the applicant, not Peter and Gerry's. We are going to say there will be 20,000 chickens.

Mr. Dufresne asked what happens if he doesn't live up to the standards? Would suggest that you incorporate control standards in this project.

Attorney Cronin stated it is part of our brief to have conditions of approval. The standards will be in the documents.

Gerry LaFlamme, Pete and Gerry's, stated that they are going to have \$200,000 investment in this flock of chickens. It is not very likely we will terminate the contract. We will work together.

Mrs. Dufresne stated that we are familiar with Pete and Gerry's. Concerned about water. We have two wells on our land. The second well we did not tap into because there was not a lot of water. Do you have a relationship with your abutters.

Ken Swayze stated that the application is not with Pete and Gerry's. They are not going to be listed on the document. It is with Tom Giovagnoli.

Jen McCourt stated that the amount of water being used is comparable to three - 3 bedroom homes. The amount of water being used by this operation is very minimal. Could put three homes on the property and still have a sufficient amount of acreage left.

Mrs. Dufresne asked if there will be buffers to help maintain the water?

Jane Chmiel/Richard Grandmount - Not Present

Joseph M. Milano and Linda Aumand - Not Present

Robert/Ann Marie Proksa - Not Present

Anthony Pino - Present.

My name is Anthony Pino and I reside at 99 Twist Hill road. Public speaking is not one of my strong points but I'm compelled to strongly object to this project. My background is analyzing data and resolving problems, that's what I do. We have researched extensively since May of this year after first learning of this chicken barn and reading the minutes from the April planning board meeting and the Selectman meeting that outline several violations by Tom. I found not one positive aspect of this project period. Those who cry Agriculture without knowing the issues at hand do so in ignorance. This project has massive impacts on our health, our safety, the value of our homes and our basic quality of life. The concern should not be how the hens are treated or if this is organic or inorganic ..it doesn't matter. The concern should be all the negative impacts this will cause for Dunbarton citizens and an analysis of the individual who will be running it. The planning board should also share these concerns as they should be in the best interest of the people, NOT defending this project. We made an honest assessment and visited the Monroe site. My feeling for the project went from bad to extremely worse.

First a view on the project...

These are the following facts we found from personal observations and speaking with a resident and a Pete & Gerry's employee.

Fact - Monroe has a Nitrate filtration system, the town has a nitrate problem. For those who don't know once Nitrates are found in your water..reverse osmosis is the only way to get it out. One of the better systems for this cost 1900.00, just for one sink. A filtration system for your house will cost 10 thousand and up.

Fact approx.. 8.3 miles from the exit to the Monroe site, there were 7 residential properties for sale, not farms ..residential homes.

Fact .5 miles from the site the smell was horrible. The smell on a fall 60-degree day was nauseating & foul. After driving around the site..The odor remained on my vehicle all the way back to Dunbarton after a 1.5 hour drive at 70 miles an hour..What will Dunbarton smell like on a hot summer day? The smell was sickening and revolting! I do not want my son to grow up nor do we want to go out on my property and have to deal with this.

Fact .. they dump their dead hens in the woods. Reports of many hawks and coyotes in the area this is as described by a Pete & Gerry's employee.

This is From the interview with the resident

Fact..the ammonia smell is nauseous and people complained for miles...The EPA visits the site monthly and the resident is not given a report. Her breathing according to the resident has gotten worse. For those that do not know..Hens produce ammonia a toxic form of nitrogen in their waste which is released as a gas during waste disposal. These gases can be carried for more than 300 miles through the air (epa.gov). Air quality problems have been associated with these emitted gases from decomposition of animal waste. These air pollutants can also cause respiratory inflammation and increase vulnerability to asthma (epa.gov). Known facts.

Fact..the residents property value went down more than 10%..

Fact..There is a small store called "That Damn Pit stop" 2 miles from the site. Trucks that haul the manure drop some on the road and the citizens of Monroe are forced to smell it. Cars drive in it, go to the gas station where people step in it and bring it into her store. This is another thing we have to look forward to..driving in it then parking in our driveways.

If the planning board approves this project the problems that exist now in Monroe will be brought to the town of Dunbarton and those who sit on the Planning board will be responsible for making our lives miserable over one man's personal endeavor. I have just referenced a similar project with known negative impacts. I have given you reports from several people who live there and one employee ..If the board approves this project this would be an indication of either incompetence or other interests outside those of serving the citizens and you should be removed.

I spoke with 3 real estate professionals ..2 appraisers and 1 real estate agent who could not get me any comparison data because no town was stupid enough to put an operation like this in a residential area and put their citizens at risk. Of the 30 or so farms that I saw pictures of I could see no residential homes, none. The areas where these farms are have maybe 4-5 farm houses within a ½ mile radius...The town of Dunbarton has approx.. 119 homes within ½ mile radius of the proposed site. Residential homes.

Now to personal analysis of the individual

I personally am not confident at all about Tom running an operation like this.

As stated in the minutes of the Dunbarton Board of Selectman meeting from April 25, 2013. Tom should resolve his outstanding issues of an illegal apartment on his property which was noted by Kyle Parker, the building inspector. It was also noted by Mr. Parker that there is an improper septic system design for what is present on his property as noted in the April 25th meeting. With these outstanding issues, the Board should not warrant any further permits...especially after the town knew it existed for some time.

Also the notice issued from the DES Land Resource Management noting several wetland violations and the septic system installation.

Dec8th 2011, I called Dunbarton police because my hired hand and me were trying to corral 2 cows roaming down twisthill rd. ...ones that came from his property.

This all shows me a lack of following the rules and with an operation like this that can wreak havoc with humans and the environment he is not a trustworthy candidate for this.

If 20,000 chickens can generate approx.. 500.00 a pallet of eggs per day to the owner..What's to stop the addition of more hens? I read how the town dealt with the past violations and I highly doubt they will go in and count the hens.

Thank you

Attorney Cronin stated that just because someone says something, it is not a fact. When you purchased your property next to a 80 acre parcel, you should have know that farming is allowed. What would you expect?

Nancy/Robert LeBlanc - Present. No comments.

Wheeler Family Trust 1993 - Paul Bruzga. Stated he was concerned about his landlocked parcel of ten acres and requested that the right of way be put on the Site Plan. In general, stated he was in favor of what he wants to do on the condition that there will not be any water lines. Stated he owns 170 acres down from him. Stated there are ways to collect and trap flies and eliminate them.

Chapman Revocable Trust - Earl Chapman - Present

1. Stated that Pete and Gerry's is not welcome to Dunbarton. As far as the Site Plan is concerned, it shows no outdoor free range on your Site Plan. Are they going to be free range outside? The existing contours plan that you propose to the town is not accurate as to what is there now because of the disturbance before the meeting.
2. Are we going to see construction detail for the bins storage? Will there be a detail on the plan so the town's people know what will take place?
3. You state that 99,000 square feet has been disturbed and you said that you did not qualify for Site Specific. When you widened the road it brought it up to more than the minimum. It will be more than the required 100,000 square feet and I think you are over the minimum. You should be providing Site Specific requirements. Some disturbance has been done to make fields. The topography that Jen did was done after the disturbance was done. The existing conditions topography was done after Tom did his site work. Would like that clarification. The contours are not flat. It looks relatively flat. Are the contours that you have provided the townspeople accurate as to what is there today?
4. With regard to the taxpayers and Fire Safety, Site Plan has no details for any road, grain trucks or fire trucks. This is a wooden structure with no fire protection or sprinklers. Should widen the road and show the detail on the final plan.
5. Because of the contour of the roads, will there be a third plan?
6. Mr. Chapman also inquired if there was to be "third party" review. We responded that was the Planning Board's intention.

Presented a copy of a letter from his Attorney John H. Sokul. for the record. (Attachment #7)

Shayne/Renee Durant - Present. What is your plan that you will having with Pete and Gerry's.

Tom G. explained the manure and disposition. As far as the standard for roads, Kevin of Pete and Gerry's could probably answer that.

Shayne Durant stated Tom is responsible for the maintenance. What is your plan to have a access road and present plan in place? What is the typical level of distance from roads and from a typical land site before and after and with the maintenance and programs, how are those managed to assure there are no infestations?

With regard to the manure, not comfortable with the facts regarding the management of the manure being removed twice a year. The storage area will hold more than six months. Is there a detail on the removal.? How much will be spread on the property to maintain the fields? Jen McCourt stated the reason we have brought Pete and Gerry's here is to answer these questions and that is what we are willing to put in a document.

Ken Swayze, Chairman, stated he did not have an answer. They are going to have to come up with some answers before the next presentation.

Julie Lamson/Todd Welch - Present . Asked if there were chicken farm laws and regulations. According to the laws of New Hampshire there is no restriction on the number of chickens you can have.

Jan/Janice VandeBogart - Present. Presented info as follows:

From the Site Plan Regs: Section II PURPOSE: The purpose of the Site Plan Review process is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development.

We feel that this project will have a negative impact on our properties. The mere size of this building alone is totally out of character with this part of Dunbarton. If you look at the area around this proposed site, within a ½ mile radius, you will see that over the past 20 to 30 years the whole complexion of this area has changed dramatically. In 1980 there were a total of 39 homes in this area. Between 1980 and 1989 there were 18 new homes built and from 1989 to present, an additional 65 new homes were built. At present there are 122 homes surrounding the proposed site. The town has allowed new homes on five acres plus lots to be built all up and down Morse Road, Twist Hill Road and Montalona Road. There are still a number of building lots, previously approved by the town for residential development, that are yet to be built on. So over the past few years the complexion of this community in East Dunbarton has dramatically changed from a very rural area to a very residential area.

There are 144 parcels in this ½ radius, valued at over \$32 Million and bring in approximately \$700,000 in taxes every year. Everyone in this ½ radius has a vested interest in what happens here tonight. We have assets that could be compromised if this is allowed to be built.

Section VII General Standards, under A-Design of the Development it says: “The design of the development should fit the existing natural and human – made environments with minimal disruption.”

Site Plan Regs: Section VII, B: Building Orientation and Architectural Design Standards: The Planning Board shall determine that the proposed development shall be compatible with its surroundings in terms of its size, scale, mass and design.

Section VII, B-4, under Elements of Design: Proposed designs should be harmonious with neighboring structures that have a visual relationship with the subject building in terms of mass, width, height, proportion, spacing, setback and all of the other elements of design discussed below when those neighboring structures would reasonably be considered to be in general conformance with the goals of these regulations.

A building 27,048 square feet is not compatible with these surroundings.

We also have concerns regarding enforcement. Back in April, after the Planning Board meeting, I went to the town office and had the staff pull Mr. Giovagnoli's lot file and building file. Contained in the files was a letter of complaint filed by a tenant of an apartment over the barn at 57 Twist Hill Road. She was complaining of unsafe conditions. The Building Department sent a letter in December of 2010 informing Mr. G. that he was in violation of Zoning for having an illegal apartment on his property. A follow up letter was sent in July of 2011 from the Town Attorney saying that he was in violation of the Town's Zoning Ordinance and needed to first obtain a special exception, a building permit or an occupancy permit. He was advised to respond within 30 days. I asked if anything had been done about the illegal apartment and I was told that Mr. G never responded to either letter. There was also the violation of an illegal septic system on the property brought to light by his recent application for the permit to build this barn. I

understand that these items have been taken care of now, however, my point in bringing this up is this. If violations such as these were not acted upon by either party, the land owner nor the town, how can any of us expect that any future violations on this property will be taken care of?

Also, I found a memo in the lot file from Stephen Laurin, who was the acting Building Inspector at the time, addressed to George Holt, member of the Conservation Commission. The memo was dated February 15, 2013 when Mr. G first came in to apply for a building permit for the chicken barn. Steve wrote: "Will you review the sketch and offer an opinion/concerns on the proposal. The size of the structure indicates to me a commercial operation, which would require site plan review to guard against excessive noise, smells, and damage to ground and surface waters, etc. Regardless, the size and location of the structure is a concern with regard to the provisions of the Wetland Conservation District. The intention of the Building Department at this point is to deny the building application and suggest that the applicant apply to the Planning Board for review." George Holt wrote back saying: "The National Wetland Inventory layer on the GIS indicates large areas of wetlands on the vicinity of the proposed building. As these are large scale wetlands, I anticipate that there are other, unmapped wetlands potentially in the building pocket. The building inspector should not issue a permit without some reasonable assurance that the building will not disturb wetland. A request to the CC would be appropriate for a preliminary assessment. At a minimum, it looks like the applicant will need to submit a wetland permit application to NHDES to be able to access the proposed building pocket."

I checked with NHDES in May and they had no Wetlands Permit filed on this property. Still earth was continued to be moved on the property without permits. I sent a letter to the Planning Board on April 22, 2013 asking that there should be no further excavating on this property until there are permits in place. I heard nothing back and the excavation didn't stop.

With regard to the comment made in the memo from the acting Building Inspector, Steve Laurin, regarding that the size of the structure indicates a commercial operation, I would make reference to the Site Plan Regs Section IV third paragraph: "all potential changes of use, expansions of existing use, and new business or commercial uses shall be brought before the Zoning Board of Adjustment for issuance of a Special Exception prior to seeking site plan review."

This proposed Chicken Barn would definitely be an "expansion of existing use".

I understand that IF Mr. G will has a contract with P&G and that they will be inspecting the operation. I had a phone conversation with Carl Johnson from P&G in May of this year and asked him what the outcome would be if Mr. G does not pass these inspections or if he does not abide by the rules of their contract. He said that P&G would pull out of Dunbarton. What happens then? This makes us all feel very uneasy.

Getting back to Property Values: We have all been told over and over again, that one of the most important items that makes a home marketable is "location". Early in 2013 a land owner in Bethlehem NH came before the Bethlehem Planning Board with a proposal to build two P&G's barns on his property. The neighborhood fought it fiercely. It was dropped as one of the abutters bought the agricultural rights to the developer's land. However, during that hearing a lot of information was gathered by the abutters. I was given permission to use a letter that was presented at the hearing. This letter was written in March of 2013 by Peter W. Powell Real Estate in Lancaster, NH.

The letter does discuss the particular area in Bethlehem where the proposed P&G barn was to be built so I will skip to the general statements contained in the letter which would be applicable to any property in NH.

" What I intend to share here is a sense of those things which can impact property values, both positively and negatively.

There are three basic forms of depreciation that can affect the value of a given property:

physical depreciation, functional depreciation, and economic depreciation. Although some aspect of physical and functional depreciation could be relevant, given the more intense use of the road serving the homes there as the result of predictable and more intense truck use, the primary concern in a situation like this would be the impact of economic depreciation. Economic depreciation can be defined as a loss of value that occurs as the result of influences that are external to the property, and which influence the property's desirability, and therefore its value, because of the undesirability of those external influences, or nuisances. Classic examples might be the location of a gas station next to a residence in a residential zone, any industrial activity that encroaches on a residential neighborhood, or the placement of hazardous waste or obnoxious conditions next to a residence or residential development.

In considering whether any development, such as a large scale egg production facility, could impose upon individual homes within a residential development, which are either near or a part of the parcel proposed for such a use, one should consider the following questions:

1. Will the project alter what is visible from the residence in a way that changes the character of the view and/or the neighborhood, including the proposed building itself, its lighting, or, for example, the interruption of a mountain view or a forested landscape?
2. Will the project introduce noise into what has been a quiet, residential neighborhood, imposing new sounds that prospective buyers may consider rude, obnoxious or distracting, whether from intense or loud vehicle use, fans on or in the new facility, animal/bird noises, mechanical or other equipment that will be used both inside and outside of the facility, or other such sources?
3. Will the project impose new odors onto the residential properties which would be considered noxious or unpleasant?
4. Will there be an increase in traffic affecting peaceful use and enjoyment, including safety? Will it involve larger, commercial vehicles? Will the traffic be louder as the result of tires or engines, and will there be noticeable fumes emanating from the increased traffic? Will odors come from the trucks, or will debris fall on the road and become present in the development?
5. Will the development of the proposed commercial project result in a reclassification of the land use and existing patterns of use within the development, making it less desirable for residential use, and could it lead to even more commercial development, compounding the impact under each of the questions mentioned above?

If these questions are answered in the affirmative, then the anticipation of depreciated values may well be a reality, and the question will be in measuring the impact to determine the degree of loss in value that may be realized in each case, due to the extent to which individual properties may be affected."

So, in conclusion, our property values WILL be depreciated. There is no question about it. It is completely unfair to ask us to sit by and watch our home values plummet.

We recommend that you deny this permit.

Jan & Janice VandeBogart  
10 Jay Drive  
Dunbarton NH 03046

Read letter from Donna Lavoie and Kellie Wardman, 70 Twist Hill Road as follows:

"16 October 2013

To the Dunbarton Planning Board and Town Officials:

We moved to Dunbarton 2 years ago. One of the main reasons we chose Dunbarton was to live, reside, raise children and lead a life that the rural residential nature of this town affords us. We have come to appreciate the style and standard of living we get to enjoy in such a

lovely town and being away from the industry of the surrounding cities. It is very concerning to hear of a proposal to build such a significant chicken operation that is far more commercial than anyone would anticipate is appropriate for this residential location.

This kind of development would lead to clear and significant impact to property values in the surrounding area. It is not fair not should it be tolerable to allow a single property owner's business venture have so much direct impact to others. We all rely on the local resources of water, air and natural surroundings and our community should not be subjected to an operation that has potential for so much long term damage to all of these resources that are essential to our lives, health and property. The potential impact to groundwater sources and air pollution have to be considered.

There are also clear tax implications to this project. As the localized property values decrease, the town is forced by law to balance its budget and collect enough in taxes from the rest of the town to make up for the shortfall in this area. So this is not only a neighborhood problem, it is a town problem.

The economic and environmental impact of this type of project cannot be localized to that specific property owner nor should it be understated. This type of operation would affect all of us significantly and in many ways irreversibly.

Please do not allow this type of project to be approved. Allow us to continue to live our lives in harmony with the town, the environment and our neighbors. If you have to allow a chicken farm somewhere in town, please build it in a less residential location where it will not negatively affect a surrounding residential community so significantly.

Please do not hesitate to contact us at [dana@danalavoie.com](mailto:dana@danalavoie.com) or 603 930-3262.

Dana Lavoie & Kellie Wardman  
70 Twist Hill Road  
Dunbarton, NH"

Asked that Tim Terragni, Chairman, Board of Assessors be allowed to speak on the abutters' behalf.

Gerald/Dennis Baillargeon - Not Present

Gary Chicoine - Not Present

Karen/Steven Elsasser - Not Present

Joseph Luksza - Not Present

Craig Webb/Ann West - Present. Stated their property value will decrease. Request that the assessors speak. If we had known this, we would not have even thought about buying this property. Mr. Giovagnoli has taken care of all his violations because he wants something. Pete and Gerry's has said they would not go where they were not wanted. We don't want them here in Dunbarton. Can we count on the Board to make the right decision? Once this is finally built, who is going to have control. Are you going to oversee the operation? We are concerned. You are going to approve 20,000 chickens. He is also changing the character of the neighborhood.

Craig Webb asked Pete and Gerry's if they have a contract with Mr. Giovagnoli.

Pete and Gerry's stated "No".

Craig Webb stated that he knows the difference between chicken smell and cows. They took a ride to Monroe. The smell was rank. The other thing is using the organic word doesn't apply to poultry. As far as the USDA, they don't enforce anything. They are not going to do anything. Who would enforce any violations. Our property is 400 feet from this barn. We wanted to build a house. We are down hill from the barn. We are down- wind of that. It is North west of where we want to put our house. The other thing is he doesn't think it applies to him. This is a Change in Use. I think it is the responsibility of the Board to require all these things in their application.

Lisa Poirier, NH Traditional Homes - Present. Stated that she just wanted to add, I am on the other side. My late husband, Mike Poirier, was a builder. I have a lot that needs to be sold. If this comes to be, I will have to just let it go. I can't sell it if this goes through.

At this point in the Public Hearing, the Chairman opened the meeting to general members of the public.

Tim Terragni, Chairman, Board of Assessors - Stated there are 122 homes that are within 1/2 mile radius of this proposed chicken farm. There will be a 10% reduction in property values. The Town would have \$70,000 less in tax revenues. Personally, we have a business. You expect to run it yourself. You don't want to have to pick up the difference because of his property which causes this depreciation.

Nathan Narus - Present, Challenged Tim Terragni's statement. He asked where did you get that information? It is totally out of "wack".

Attorney Cronin asked what would be the impact of property values. You would not know unless you did the homework.

Fred Mullen - An impact study on the impact if you had 20 septic systems and 20 wells on the property. If they sold this as 20 lots, how would this impact. Twenty house lots would be more of an impact.

Joe Richard, Montalona Road - They are here for the money. You have to ask yourself, is it being built in your back yard. You have heard arguments on both sides. They are saying what a smart lawyer says and we are going to have to live with what you decide. If it was being built in your back yard, would it be different. I am sure if it was built in the lawyer's back yard, it would be denied.

Paul Veilleux - I would like to thank the representatives of Pete and Gerry's for letting us know how wonderful your company is. That is not what this meeting is about. This is a proposed 27,000 square foot barn with 20,000 chickens. This is a commercial endeavor in a developed residential area that has not been farm land for years. There are a number of violations by Mr. Giovagnoli on this property. The Planning Board should look at this project carefully. A homeowner has to comply with regulations. Surely the requirement must be met before any growth is approved that has more stringent requirements. Cleanliness by Pete and Gerry's and we know there is no binding contract. If the town does allow this, the town property values will go to the lowest. This project has the capacity of lowering property values of 120 homes and possibly more. Lastly, Dunbarton's lack of zoning laws has brought us here. Just because something is not prohibited does not mean it should be allowed here.

Jaye Rancourt, 80 Twist Hill Road, Dunbarton - Stated that according to RSA 674:B this application should require a Special Exception from the Zoning Board of Adjustment. They would put restrictions on the project. The Zoning Board has the authority to do that. (Attachment #8)

Noted that NH RSA 674:44, II states that the planning board's regulations should, among other things:

- provide for the protection of ground water

- provide for protection from undesirable and preventable elements such as noise, particulates and other discharge into the environment which may be harmful to others.
- provide for harmonious and aesthetically pleasing development
- and create conditions favorable to health, safety and prosperity

The Site Plan proposal as proposed by Mr. Giovagnoli provides for none of the above.

Section V (Q) of the Town of Dunbarton Site Plan Review Regulations states that the Planning Board should consider the following factors, among others, when reviewing the Site Plan:

- Provide safe and convenient access for vehicles and pedestrians, and provides adequate access for emergency vehicles;
- Provide that no pollutants shall be released into the air, surface waters, groundwater or soil;
- Has preserved a sufficient number of trees along proposed roadways to the maximum extent feasible and provides adequate natural landscaping on site;
- Has satisfactorily addressed environmental factors such as protection against pollution, noise and odor.

The Site Plan as proposed provides for none of the above.

NH RSA 674:44, III states that town's site plan regulations shall:

- Include provisions for guarantees of performance, including bonds or other security.

The Town has not required any bonds or special security to protect the tax payers of the town from increased road maintenance due to this increased heavy truck traffic.

This change of use requires a special exception per NH RSA 674:32-b and the Zoning Ordinances of the Town of Dunbarton. As such the plan should be subject to conditions per Article 15 (D) (3) of the Town of Dunbarton Zoning Ordinances.

Section V (O) of the Site Plan regulations states that the Board may require studies reasonably required. Section VI (E) of the Site Plan Regulations enables the Board to require engineering plans regarding (7) data on air, water and land pollutants, treatments and control, (8) traffic impact analysis and (10) estimates of noise generation. As of this date, the Board has not required sufficient studies so as to protect neighboring homeowners. The Board has inadequate information about the impact on the water table because it has required no studies. The Board has insufficient information about the impact on the roads and traffic because it has not required a study, nor has it required a Bond to protect against road damage. The board has insufficient information about the noise, odor, and other possible pollutants because it has not required any studies.

Pursuant to Section VI (F) of the Site Plan Regulations the Board may require an impact analysis regarding environmental impacts and economic impacts. The Board has, as of this date, not required those impact analysis be conducted. This is particularly troubling given the size of the project and the potential for significant impact upon neighboring property values.

Section VII (G) requires the Planning Board to determine that the proposed development will not, "alone or in conjunction with existing activities, adversely affect the quality of ground water available to abutting properties or to public water supply systems." The Board has been provided inadequate information to substantiate claims made regarding water usage. Some information which contradicts that provides by research conduction by the University of Kentucky (provided to the Board at the meeting).

Section VII (i) requires the Board to "determine that the proposed development will not contribute to unreasonable nuisances to the general public, both during construction and after the development has been completed." The Board has been provided inadequate information regarding the noise that will be generated by this facility. This is particularly troubling as the abutters were already subjected to noise nuisances during the illegal clearing of the property (without planning board approval and in violation of wetland regulations).

Section VII (M) provides provisions for appropriate screening and buffering for residential areas abutting non-residential uses (such as this). There is no provision in the Site Plan for adequate buffering or screening. In fact, as the aerial photos presented to the Board will demonstrate, the only tree screen available (for part of the year) consists mainly of trees standing on other property, not owned by Mr. Giovagnoli. Adequate screening "shall be a year-round visually impermeable barrier that may be either existing, constructed, or a combination thereof." Section VII (M) (1), there is no such buffer provided for in this Site Plan and reliance upon trees located on abutters properties is not an adequate buffer or screen.

The Planning Board should require the studies indicated above prior to approving the Site Plan as submitted by Mr. Giovagnoli. A proposed use of this size with the potential to do serious economic and environmental damage should not be approved without every study and study and analysis being conducted.

Mr. Giovagnoli has stated he is considering free range chickens. Mr. Giovagnoli has said he will spread manure on his own property. He has since changed that statement. Are you going to sell it or spread it? Are you going to train your chickens to go inside to "do their business"? We are going to have ground water issues.

Provided attachments for the Planning Board's review. (Attachments #9)

Jeff Crosby, Road Agent - Asked if the most recent engineering plan shows how the roadway will intersect onto Twist Hill Road. He stated he had looked at the plan and can't determine how it will intersect. It shows only a little bit of the intersection.

Jennifer McCourt stated the new plans show the intersection onto Twist Hill Road.

Jeff Crosby also stated that Dunbarton has weight limits in the spring. There is going to be a certain time of year when trucks will be limited in weight. There are towns on each side of us. Dunbarton's limit is 12 Ton sometime during February - March.

Stated that trucks use those roads all the time. It is a commuter road from Manchester to 89 and 93. Concerned about the spring and access unto Twist Hill Road.

Daniel Sklut, Police Chief - Stated that Twist Hill Road is a windy country road. It appears if people drive the speed limit, it would be good.

Jon Wiggin, Fire Chief - Stated that this is only a Site Plan Review. There are no construction plans. The Building Inspector has made a quick response to one he has submitted. The plans that are submitted are incomplete.

Slocum - Stated he owns 225 acres but does not live on the property. He picks up aluminum cans along the sides of the road. Stated he thinks the real thing is that it might happen and might not happen. It is up to the Town to address the concerns. I hope he will build it into the plan. There is no more time for him to build things into the new plans. He will get the chance to amend his plans. What about nitrates, chemical lawn treatments that will hurt my lawn more than this. If the Town decides it wants to not do it, we should not allow chemicals on lawns and no turf builders.

Marie Hammond, Realtor - Stated the difference between the chemicals that don't protect property. The buyers are not going to want to come to Dunbarton. Property values will be affected. I can't believe everyone here can't believe that. It will happen. We have come a long way. It is not the right place to do this. This is still in the wrong place.

Steven Heinz - Stated he has been getting his chicken manure from Turner, Maine. Will be able to get it from Giovagnoli now. Just wanted to speak to that.

Nancy Gallagher - We built a beautiful patio out front . We will have to check to see what day the manure will be picked up and because the smell will be so bad. That is the time the smell will be the worse. On Tuesday still going to smell it on Saturday. Can't open our windows. How will we know how the smell will affect us.?

Jacques M., - New Boston - Stated he raises Certified organic vegetables. Will be fighting for the chicken manure. That is something that America needs and that is all I have to say.

David Ford, Realtor, Monroe - Stated he lives in Weare. I feel that there are people who would not want to see more homes. He commented that he even did an assessment in Monroe. I live on 50 acres. There is a farm with 500 pigs on the site next to me. He contains his manure. Certainly raises 500 pigs there. If a housing development went next door, I would move out. There is another side of this. Might want to think about. Some people would like to live next to a farm. This is "not in my back yard".

Anderson - Stated that a proposal for a subdivision on that property was declined by the Planning Board in the past. Stated that members of the Board went to Monroe and they say it doesn't smell. What if it does smell? I can hear the kids and motorcycles. I can call the Police. Are the Police going to be called when the chickens are making noise? Are they going to tell them to be quiet. You are the people I am going to come see. Are you going to filter the air coming into my yard. If there is contamination issues, are you going to lug water from Goffstown? Homes in the areas of land fills all have to lug water. Is our Town prepared to fix that? I think the Town needs to address a contingency plan. There are people living in that area. You are going to hear about it. Understand what the impact of noise, odor and water is. It should be on the Town. Want to know what your plans are.

The Planning Board noted that there was not enough contiguous frontage at the time the subdivision plan was submitted. Under the new zoning requirements, could probably get 15 or more houses on the lot with the Open Concept.

Rob Johnson, NH Farm Bureau -

Carl Johnson, Pete and Gerry's stated he wanted to extend an invitation to all to come and visit Pete and Gerry's operation.

Alison Vallieres, Secretary, asked the audience to please provide her with any written testimony for the minutes due to the very poor acoustics in the Community Center.

The Public Hearing was closed at 9:45 p.m.

#### Board Discussion:

Ken Swayze, Chairman, noted that the Planning Board would be requesting the applicant to provide funds for consultants review of engineering plans, general compliance with zoning, devaluation of property values, etc. at probable cost of between \$3,000 - \$4,000.

The Planning Board will also be in contact with Central New Hampshire Regional Planning Commission , Matt Monahan, who is present this evening.

*MOTION:*

*Charles Frost made a motion to continue the Site Plan Review on the Tom Giovagnoli Application until the next regularly scheduled meeting of the Dunbarton Planning Board to be held on Wednesday, November 20, 2013. Les Hammond seconded the motion. The motion passed unanimously.*

*MOTION:*

*A motion to adjourn was made, seconded and passed unanimously.*

Respectfully submitted,

A handwritten signature in cursive script that reads "Alison R. Vallieres".

Alison R. Vallieres, Secretary