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December 31, 2019

City of Newburyport Department of Public Services  
Attn: Jon-Eric White, PE, City Engineer  
60 Pleasant Street  
Newburyport, MA 01950

Re: 10 Mulliken Way; Special Permit for Kennel Use #424 and Minor Site Plan Review  
For Scott and Tina Devivo  
Our File 19-302

Dear Mr. White:

As you may know, I represent Scott and Tina Devivo with respect to converting space within an existing building and yard area to an Animal Boarding/Kennel use; this use was recently adopted and added to the Newburyport Zoning Ordinance (“NZO”). My clients have applied for a special permit to have this use allowed at 10 Mulliken Way (the “Premises”) and they have also applied for Minor Site Plan Review. As part of the Minor Site Plan Review application you have reviewed the application and have provided many comments, chiefly to our project engineer Stephen Sawyer.

As I understand it, your main concern was the potential for fecal runoff from the outdoor play area. To accommodate this concern you and Mr. Sawyer developed a runoff trench to be installed along perimeter of the outdoor play area. The installation of the trench will delay the project permitting process where now Conservation review is necessary and it will add an additional aspect to what was considered to be a rather simple project. In any event, after reviewing this with my clients and discussing the anticipated operation of the proposed kennel they believe the trench to be unnecessary.

First, your e-mail of December 17, 2019 indicates that the “exterior dog run is to be used for defecating.” This is not the primary purpose of the dog run. The purposes of the outdoor area are for play and exercise and socialization. While there may be times where the dogs will urinate and defecate during outdoor play this is not the primary purpose of outdoor area. The larger indoor area also has a turf surface installed so that dogs can relieve themselves indoors. Thus, the amount of waste generated outdoors is likely far less than you have anticipated.

Additionally, your concerns seem to be mostly focused on the possibility of solid dog waste being washed into wetland areas. This is not how dog waste will be disposed of in the kennel. Employees will be charged to meet the following requirements:

1. Indoors or outdoors, employees shall not leave dogs unattended.
2. Employees shall pickup solid waste promptly and dispose of it properly in onsite containers.
3. Loose stool is to be spot cleaned immediately using organic cleaners.
4. The entire area will be cleaned with organic cleaners daily.

The cleaners that will be used will be chemical free and include Thieves, Kennelsol, Wysiwash, Simple Green and other such products. They are effective germ killers and disinfectants and are used across the animal care industry and at veterinary clinics. Accordingly, where the waste is picked up and the area cleaned the hosing and washing of feces into a trench area would be unnecessary.

Finally, the turf system my clients have proposed already accommodates for such runoff issues as may occur. As you can see from the turf detail on the plan it will slow storm water runoff in general. The turf also filters urine and loose stool through multiple layers of silica sand and crushed stone. The turn, along with the organic cleaners, use of tap water and rain water will break down bacteria before it runs off the site.

Based on the foregoing, my clients would respectfully request that you reconsider the need for the runoff trench and issue written guidance to my clients that the trench will not be required.

In the alternative, should you continue to think the trench is necessary I would request that you meet with me, my clients and perhaps Kayla Provencher at a mutually convenient date and time. Kindly note that my clients are on for hearing in front of the Planning Board on January 15<sup>th</sup> and any written correspondence and plans associated with their applications will need to be filed at least one week in advance of that date.

I look forward to hearing from you soon.

Sincerely,



Mark Griffin  
MG