

NORTH BERWICK, MAINE 2014

MINUTES OF PLANNING BOARD JUNE 12, 2014

Present: Chairman Barry Chase, Rick Reynolds, Mark Cahoon, Jon Morse, Lawrence Huntley, CEO

Absent: Anne Whitten, Geoffrey Aleva

Also Present: Laura Cronin, Helen Crocker, Cortney Beamis, Susan Denika, Paul Pelletier

1. Call to Order:

Chairman Chase called the meeting to order at 6:30 pm.

2. Review Previous Minutes:

Rick Reynolds stated that on Page 11, in the second paragraph, the second sentence reads: "Mr. Smith stated that that there is about...". It should read: "Mr. Smith stated that there is about...". Chairman Chase stated that Page 5 was numbered Page 15 in error.

Rick Reynolds motioned to accept the minutes from the May 22, 2014 meeting as amended. Jon Morse seconded the motion. VOTE: 4-0

3. Current Business:

Chairman Chase stated that the first item on the Agenda was for applicant Helen Crocker for a proposal for an Ordinance Change on Animal Breeding and Care in Residential Districts. Helen Crocker stepped forward to discuss the issue. She lives at 1 Davis Way in North Berwick and has lived here for almost 13 years. She has two horses at this time but one is no longer living with her. She had to remove one from her residence because of the Zoning Ordinance change. She stated that she is protesting this new law. She understands that it was changed after there were some horse owners that were not taking care of their horses. They had two of them that were in less than 300 square foot surroundings. Ms. Crocker passed around some photos of her residence and her horse to the Board members for them to look at. Ms. Crocker asked Laura Cronin to read some letters for her.

Laura Cronin stated that they had several vets come out and take a look at the horse and the environment and have written letters of reference. The first letter is from Kathleen Bono of Equine Hoof Care Provider. It reads:

“Regarding Helen Crocker and her land, I have been an equine professional for over 30 years and I have known Helen for a year now and have seen her horse thrive in her excellent care. She has a beautiful home and perfect area for Frankie and another horse to graze and roam and still have extra room. Ms. Crocker is a neat, clean barn owner taking care of her land as well as her animals and is polite to pick up and respect her neighbors. In my expert opinion I believe that her land is more than enough for two horses to live comfortably and happy.”

The second letter is from Kristina Gran, DVM, DACVIM from TNT Equine in North Berwick. It reads:

“Helen Crocker and family have ample land for up to three horses. I have taken in account to all the grazing area and grass and entire front field additionally. Her care and commitment are combined with her attention to detail and proper containment. Helen’s wooded area is perfect for shade which horses need. And any horse would be lucky to live in such a well maintained home.”

The third letter is from Alicen Anderson, DACVIM from Wadleigh Falls Veterinary Clinic of NH, PLLC. It reads:

“To the Town of North Berwick, Maine,
I have had the sincere pleasure to visit Helen Crocker’s land at 1 Davis Way in your lovely town of North Berwick. I can find no reason why Ms. Crocker and her family should not be able to maintain two horses in the area she has provided. It has pasture area with grass and shade and plenty of room and her front field area is also a bonus to her land.
I also noticed the care and consideration to her neighbors. Franky is a well-mannered content horse and it would be beneficial for him to have a friend, horses are used to being in herds and in my expert opinion Franky is the perfect candidate to have a friend as he is young and a friend would only benefit him. Ms. Crocker is extremely neat in all regards to her land and another horses would not change the fact that she is a great horse owner, this should be a high consideration in making your decision in this matter.”

Ms. Crocker states that she would appreciate it if the Board would consider letting her have her other horse, Rosie back. She invited the Board to visit her home so they could see the surroundings for themselves.

Chairman Chase asked Larry Huntley for the background on this matter. Larry stated that about a month ago, a gentlemen came to him and wanted to build a horse barn on Ms. Crocker’s property. It stated that it was a horse barn so that jumped out at him. Larry asked the gentleman what the plan was for the barn and the gentleman said it was to have horses on the property. Larry stated that it looked like it was a design for a three horse barn. Larry told the contractor that they could have the barn but they were going to need a permit for the horse. Larry issued the permit for the barn and Ms. Crocker came in for the permit for the horse. He stated that it is

in a Residential District and the land area requires a certain amount of land per house in that district and all the other land that is available can be used for another use. He stated that Ms. Crocker has almost 4 acres and 2 of those acres are taken up by the house lot. Larry looked up how much grazing area a horse requires per the national standard and it states an acre and a half per horse. Larry stated that per this standard, she could have 1 horse on her property. He went ahead and permitted one horse for her and two weeks later there are two horses on the property. He contacted Ms. Crocker and told her that she would have to get rid of one of the horses and she did do this. Larry told her that even if he were to consider letting her have another horse, he would need a letter from all the other property owners in the subdivision stating that it was okay. Right now, it is okay for her to have the one horse per the zoning ordinance. He states that Ms. Crocker would like to change the Ordinance to allow more horses on less land in the residential zone. He told her that she would have to present it to the Board.

Ms. Crocker stated that her barn is 10 x 30 and has only 2 stalls. She stated that she has a total of 3.29 acres. She also stated that it is not a full subdivision. There are only 4 houses and she was the first house there. She said that the builder, Everett Davis, gave her an extra acre to do anything but build on it. She said that the permit did state a two horse barn. She said that she did obtain a permit for a horse as well. She said that when she was presented with the opportunity to take on another horse, she decided to take her. She stated that she did know that she should have obtained a permit for the additional horse but she was hoping that if there was no issues, then no one would know. She states that she does have one neighbor that does not like her and she has a lot of problems with. She said that she has the time, finances and resources to take care of these horses. She doesn't want any more than two and she would like Franky to have a friend.

Jon Morse asked what she did with the horses. Ms. Crocker stated that Franky is a rescued horse from Suffolk Downs. She is just letting him relax. She eventually might try to have him be a trail horse. Mr. Morse asked Larry about the national standard that refers to the acre and a half per horse. He was wondering if this was for horses that are not fed with any other sources and Larry stated that this is what he believes that it means. Ms. Crocker stated that they also feed their horse hay and grain.

Chairman Chase asked Larry what exactly they would need to change in the Ordinance. Larry stated that if they look at 4-11A which shows the table of Land Uses and go to Animal breeding or care, it states that it is a CEO permit in the Residential District. Larry stated that with a CEO permit, he can bring it to the Planning Board if he wants to but he didn't feel the need to do so in this case. He stated that the definition for Animal breeding and care covers raising and breeding of animals which he feels includes horses.

Mark Cahoon asked what the difference was between a riding horse and a draft horse. Larry stated that the draft horses are the big ones that are usually used for pulling. Mr. Cahoon asked Ms. Crocker what type of horse Franky was and she said that he was a riding horse.

Larry stated that the issue was that the Ordinance does not allow more than one horse on her piece of property. Chairman Chase stated that in the Aquifer Protection District it allows three horses per acre and he feels that it should be more stringent in this area. He asked Larry if she would be able to ask the Planning Board for a conditional use permit to have 2 horses and Larry stated that she could do this. Chairman Chase explained to Ms. Crocker that she could ask Larry for a conditional use permit for 2 horses and Larry would then bring it before the Board. He stated that as long as there is nothing within the Ordinance that specifically states that they cannot do it, they would be able to approve her having two horses on her property. He stated that this would only pertain to her property. If one of her neighbors would want to have a horse, they would have to come to them and do the same thing. Larry stated that she has the right to apply for one but everyone in the neighborhood will need to be notified that she is applying for this permit. They would then have the opportunity to voice their opinions and concerns at the Public Hearing. Larry stated that his main concern is that it is in a subdivision and all of the abutters would need to be notified to attend the Public Hearing.

Mark Cahoon recommended to the applicant that before she decides to apply for a conditional use permit for another horse, she should talk to all her neighbors. She should let them know what she wants to do and see how they feel about it. Ms. Crocker states that she has spoken with her neighbors and they don't have any issues. The only one that would give her a hard time is the neighbor that she mentioned before that doesn't like her.

Chairman Chase asked Larry if there was anything in the subdivision paperwork that prohibits the additional horse and Larry stated that there was nothing. Larry said that he asked Ms. Crocker to see if she has a deed restriction regarding this. Ms. Crocker stated that she does not have any restriction. Larry stated that it is ultimately up to the Planning Board.

Chairman Chase stated that the next item on the Agenda was to discuss the Town Growth Cap Ordinance. Larry asked the Board to look on Page 6-2 which discusses the Growth Management Permits. Larry asked the Board what they wanted to change in the Ordinance. He stated that the Board had discussed throwing the whole thing out. Larry said that he looked at the Comprehensive Plan today and it highly recommends that we have a Growth Ordinance. Larry stated that the one thing that he doesn't like about it is the limiting of 6 per year for a subdivision. He thinks that after a certain period in the year, if the permits are not all taken, they should be able to get more permits for the subdivisions. Larry made the suggestion that they keep some sort of growth ordinance and tweak the one that we have now. Mark Cahoon stated that they had talked about if they had extra then contractors would be able to get additional ones. Chairman Chase stated that originally they wanted to keep it low in Farm and Forest and bump it up in the growth zone. Rick Reynolds stated that they would have to add categories.

Chairman Chase stated that the Town has a subdivision Ordinance so the Planning Board approves a subdivision, they should take into account the growth and maybe this subdivision does not fall into the growth ordinance. Rick Reynolds stated that this would defeat the purpose of having a growth ordinance. Larry stated that this would make the subdivisions exempt from

the growth ordinance. Chairman Chase stated that there should be a phase in plan as part of the subdivision ordinance. So if they are approved for 32 permits, it would state that they could build a certain amount per year until they have completed. Larry stated that this would be a separate growth ordinance for subdivisions. Larry stated that they would need to write something up stating this. He said that they could say something like, "For subdivisions, Planning Board shall determine the growth."

Mark Cahoon stated that they could boost the number of permits to 8 instead of 6 and after a certain period of time, if the permits have not been all given out, then the contractors can come back and get more permits. Larry made a suggestion. He said that right now the growth cap is 39 units. He recommends that they drop this down to 26 exempting subdivisions. The Planning Board would then decide the growth of the subdivision. Rick Reynolds stated that it would have to stay the same number that gets approved with the subdivision application. The contractor could not come back the next year and ask to change the number.

Chairman Chase asked when the last time that we had maxed out with the permits. Larry stated that it's been at least 10 years. The whole time that the Town has had a growth cap, it has only maxed out twice. Chairman Chase asked why they even need a growth ordinance outside of a subdivision. Larry stated that there are a lot of individual lots in this town.

Chairman Chase stated that Geoffrey Aleve has a lot of experience with subdivisions so they should discuss this further when he is present. Larry stated that the Board should think about how they can change it and they can discuss again at another meeting.

4. Other Business:

No other business at this time.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:30 pm. Rick Reynolds seconded the motion.
Vote: 4-0

Lawrence Huntley, CEO
Planning Coordinator

Respectfully submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten