

NORTH BERWICK, MAINE 03906

MINUTES OF PLANNING BOARD JULY 24, 2014

Present: Chairman Barry Chase, Geoffrey Aleva, Rick Reynolds, Mark Cahoon, Anne Whitten, Lawrence Huntley, CEO

Absent: Jon Morse

Also Present: Anthony Ross, Sharon Palmer, Tim Macaulay, Donna Macaulay, Paul Danforth

1. Call to Order:

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

Chairman Chase moved Anne Whitten to full voting status for tonight.

2. Review Previous Minutes:

Rick Reynolds stated that he found one error. On Page 2 in the first complete paragraph, the fourth sentence was missing the word permits at the end of it. It should read: "Geoffrey Aleva stated that they need to revise the Ordinance to allow a carryover in case there are times when somebody comes in for a subdivision and need the additional permits."

Rick Reynolds motioned to accept the minutes of July 10, 2014 as revised. Mark Cahoon seconded the motion. VOTE: 4-0 Abstain: 1

3. Current Business:

Chairman Chase stated that we would go ahead to the second item on the Agenda. The applicants, Anthony Ross and Sharon Palmer, are applying for a conditional use permit for Animal Breeding and Care. They are proposing to care for one (1) horse at 23 Morrells Mill Road (Map 4, Lot 81-1).

Sharon Palmer stepped forward and stated that she volunteers at a horse rescue and they would like to adopt one from there. She said that the zoning in their area is Farm and Forest and the ordinance states that they would need 5.3 acres. They own 4.8 acres. Mark Cahoon asked how many of the acres are cleared. Sharon Palmer stated that they currently have 2 acres cleared but are looking into getting another 2 acres cleared. Anne Whitten asked if they were at the beginning of Morrells Mills Road. Ms. Palmer stated that they are the second house on the left

off of Route 4. Mark Cahoon asked if they had a barn already. Ms. Palmer stated that they did not have one yet. They are waiting to see if they can get approval for the horse first.

Chairman Chase asked Rick Reynolds what he thought because he knows a lot about raising horses. Mr. Reynolds stated that if it is just one recovery horse than that is not that bad. They would need to make sure that the pasture is not near a well or septic system. Rick Reynolds stated that there should be a condition stating that this permit is for this horse only. If they wanted to get another horse, they would have to apply for another permit. Anne Whitten asked what the issue was with the one horse. She said that people have raised horses for years and years and this is just one horse. She doesn't see why it makes a difference if it is a stallion, draft horse, or any other type. Mark Cahoon stated that she needed to keep in mind what the issue was a couple of weeks ago when somebody else wanted a horse. She stated she did not see what the problem was with that application. She thought that it was a very well kept barn and area. Mark Cahoon and Rick Reynolds both stated that the amount of land was not appropriate for the horses. Mr. Reynolds stated that if they cleared more land there that it would be more feasible because you have to have room for the horse to exercise. She stated that horses love trees. She stated that they bark the alders and it is a natural wormer for them.

Chairman Chase opened the meeting for public comment at 6:38 pm.

Donna Macaulay stated that she is one of the neighbors that has a horse and she stated that the area is fine to have a horse. She does not have an issue with the application.

Anthony Ross stated that their property is not a big field for a horse. He stated that Sharon Palmer loves horses and she would not get one if she didn't think it was not the right environment for one. They are willing to build a barn and to clear more land to have one if it gets approved.

Chairman Chase closed the meeting for public comment at 6:39 pm.

Rick Reynolds suggested that they should include something in the conditions about pasture and how the animal will be contained. Chairman Chase asked the applicants what their plan was for containment. Sharon Palmer said that they were planning on using electric fencing. Mark Cahoon asked Mrs. Macaulay what they had for containment. She stated that they had a solid perimeter fence and they have electric inside. Mr. Ross stated that the horse that Ms. Palmer was adopting was used to electric fences.

Geoffrey Aleva asked Rick Reynolds what kind of conditions that he would like see. Mr. Reynolds stated that if they use an electric fence, they would need to leave it on all the time and maintain it.

Larry Huntley also stated that he would like to see a condition regarding the stable and making sure that it meets the State of Maine guidelines.

Anne Whitten motioned to accept the conditional use permit for one (1) horse at 23 Morrells Mill Road with the following conditions:

1. Keep fence and property well maintained for the safety and well-being of the horse.
2. Build stable for the horse based on the State of Maine guidelines.

Rick Reynolds seconded the motion.

VOTE: 5-0

The next item on the Agenda is for applicant Nancy Graham. She is proposing a 4 lot Minor Subdivision on Sunset Avenue (Map 21, Lot 10). Paul Danforth stepped forward and stated that he was representing Nancy Graham. He gave each of the Board members a copy of a proposed subdivision. He stated that Nancy Graham currently lives in the dwelling that fronts on Maple Street. There is a combination garage shop and a little portion of a greenhouse towards Route 4. It used to be a functioning garden area and had two large greenhouses on this property. These were destroyed several years ago when we had a tornado in town. He stated that Nancy's husband passed away last year and she is looking at moving on and starting a new life.

They are proposing a five lot subdivision on the remaining land that fronts on Sunset Avenue. He is still working out some of the details. He is still working on the boundary survey. He stated that getting frontage on the last lot is going to be a little challenge. Dwayne Morin told him that he could not use a private road or a right of way because of it being a subdivision. He stated that it needs to be a subdivision road that you get the frontage on. He stated that Mrs. Graham does not want to get into these details. He said that they would possibly make it a four unit subdivision so that they will not deal with it at all. He stated that the deed states that there 590 feet of frontage along Sunset, but the complication is the parcel on the end. He thinks that they own all of the way across, but Sunset ends at the boundary line of the last parcel that he is dividing up and it is discontinued beyond that. They went on to discuss the area marked as 50-foot wide private road on the plan. Mr. Danforth stated that he is going to try to get a 100 foot easement which would allow the back lot to have the full frontage. He would convey the easement to the Town. He is unsure if the man that uses the land where the paved area is for a home business would agree to this. He stated that if the Town had the easement, he wasn't sure if they would allow this man to carry on his business. Larry stated that he would be providing frontage so it really wouldn't be an easement. Larry stated that it would probably be a legal issue and they would need to speak to the Town Attorney about it.

He stated that they do not need any new road systems. Each lot has a minimum of 100 feet of frontage and has at least 20,000 square feet. They do have a 6 inch sewer main coming in from Maple Street already. By having the utility easement, he thinks that it would be easier to come in from the back of the properties and run the stubs for the sewer connections. He has talked to the Sanitary District and they are more than happy with the six inch line coming in so they have

no problem with capacity. There is a six inch pipe on Sunset where they would get their drinking water. Paul Danforth stated that all access would be through Sunset Avenue and not through Maple Avenue. He stated that it will probably also require one manhole by the T location and the others could probably be Y'd into instead of by manhole.

Mr. Danforth stated that he was looking for the Board's input and thoughts. He stated that it is fairly flat property and has very little grade change. It does drop off by the trees down to a brook. There is also a 54 inch in diameter culvert under Maple Street in that low area. He stated that the last lot is about 24,000 square feet so there would be a lot of available space for the house to be on. There is also a drainage ditch on the property.

Mr. Danforth continued to describe the plans and how he had divided the lots on the plan. They also discussed the amount of frontage and the possibility of doing it as a cluster subdivision. Chairman Chase asked why they don't get it approved as some sort of cluster with a road going into it and selling it off to a developer. Mr. Danforth stated that this is what Mrs. Graham is trying to do.

Mr. Danforth asked the Board if they would like to set up a site walk. Larry Huntley stated that they will need to get Southern Maine Regional Planning involved with this so they will need an escrow. He told Mr. Danforth that it would probably be about \$2,500 to \$3,000. He told Mr. Danforth to let him know when he wanted to be on the Agenda again. Mr. Danforth stated that he would work on some things and come back in two weeks with another presentation. Mr. Huntley will speak with Southern Maine Regional Planning to see what the actual cost will be and see if they could attend the next meeting as well.

Anne Whitten and Rick Reynolds stated that they should definitely review the cluster subdivisions. There is not enough clarification on it in the Ordinance.

4. Other Business:

Larry stated that Dollar General is trying to close on the property next Friday and are hoping to start the following week.

Rick Reynolds asked about the Bauneg Beg subdivision that came before the Board several meetings ago. Larry stated that the developer has backed out of doing this. He is thinking of putting in a private road and having two lots instead.

5. Adjournment:

Mark Cahoon motioned to adjourn the meeting at 7:20 pm. Rick Reynolds seconded the motion.
VOTE: 5-0

Lawrence Huntley, CEO
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Barry Chase

Geoffrey Aleva

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten