

**NORTH BERWICK, MAINE, 03906**

**MINUTES OF PLANNING BOARD AUGUST 9, 2012**

**Present:** Chairman Barry Chase, Shaun DeWolf, Julie Fernee, Rick Reynolds, Mark Cahoon and Lawrence Huntley, CEO.

**Also Present:** Patricia Foss, Jude Refalo, Dave Paolini and Skip Powell.

**1. Call To Order:**

Chairman Barry Chase opened the Planning Board Meeting at 6:30 p.m.

**2. Current Business:**

**A. Anita Merrow---**Applicant proposes to construct a Garage at 20 West First Street.  
(Map 13, Lot 36)

Lawrence Huntley, CEO spoke: that he has been in contact with Steve and Anita and they have removed the retaining wall and rebuilt the retaining wall as to the Zoning Ordinance. They have been before the Selectmen and the Selectmen waived the fine, but a double permit fee will be issued upon approval. That issue has been taken care of.

Chairman Barry Chase asked if the Code Enforcer had information about the power lines.

Lawrence Huntley, CEO answered that as far as the power line as far as the National Electric Code is that as long as you are 10 feet above the peak of the roof it is fine as far as CMP is concerned and that is including the cable and phone.

Shaun DeWolf spoke: that when I went out and saw the wall which has been resolved. I was concerned about the overhead wires, but the Code Enforcer just reassured me that issue is all set.

Chairman Barry Chase spoke: so we have no issue with the wetlands.

Lawrence Huntley, CEO answered no it shows up on the survey that it is 100 feet from the wetlands in the back and it is well beyond 100 feet from the setbacks of the Shoreland Zone.

Rick Reynolds asked is the Resource Protection in compliance.

Lawrence Huntley, CEO answered yes the Resource Protection is in compliance.

Lawrence Huntley, CEO spoke: that I was requested to call Dana Libby from the Corner Post Survey and ask him specifically if he was okay with the plan that he stamped as to the location of a right-of-way that supposedly goes across this property and because he has it stamped plan and a certified land surveyor, licensed in the State of Maine. He is certifying that right-of-way stops

on that prior property and does not cross the Merrow property, so therefore the setbacks are legal. I also called the Town Attorney to make sure the Planning Board had the right to go ahead and approve or not this plan and the Town Attorney said that if you have a stamped plan from a certified surveyor licensed in the State of Maine and he backs it up and he recommended I call him. The Planning Board has the right to approve the plan.

Rick Reynolds asked about the height of the garage.

Lawrence Huntley, CEO answered that the height in that zone is 35 feet, which will not be 35 feet.

Chairman Barry Chase spoke: that the height of the proposed plan is 23 feet.

Lawrence Huntley, CEO spoke that another issue is the water falling from the roof to the run-off of the property and as you can see the swale right behind her property. She is planning on buying a piece of property from an abutter that would include that ditch and my recommendation for erosion control and water run-off is to put riprap in that ditch to protect that pond below and the lake.

Shaun DeWolf suggested that instead of using riprap is to put up a Rain Garden instead of trying to introduce individual dams. I see that only half of that roof being an issue. If the owner puts down spouts and a Rain Garden which is a stone ditch, it will naturally seep into it and would have to be maintained.

Conditions:

1. Rain Garden or dry well for back of roof run off
2. Purchase of land from abutter for adequate setbacks

*Rick Reynolds move to accept Anita Merrow to construct a garage at 20 West First Street, Map 13, Lot 36 with condition that there is a rain garden or dry well for back of roof run off and the purchase of the land from abutter for adequate setbacks, Mark Cahoon seconded a motion. Vote, 5-0*

**B. Patricia Foss---**Applicant proposes an Equine Boarding and Veterinary Clinic at 143 Randall Road. (Map 1, Lot 51)

Patricia Foss explained that this property was chosen because it is an equine boarding facility and because it is an ideal setting for our purposes. It is easily accessible from both Routes 4 and 9, yet is off the main road for privacy. It definitely has a rural/agricultural feel, yet not too far out of the way.

We would like to breed, board, and fowl-out high-end board mares. With that in mind we would establish a small equine veterinary practice here that would not only service the reproductive needs of these mares but also provide services for the surrounding equine clients. We feel that there is a need for such a practice in this area and that it would integrate well with the agricultural integrity of the Town of North Berwick.

The basic layout of the property works well for our intended use. However, we would like to add additional stalls along the back side of the barn/arena, which is already prepared for building.

The overall thumbprint of the barn would not have to change. We would want to convert the tack room to lab space and the storage room to office space. Since converting the storage room to office space would necessitate the need for more storage, we would raise the roof of the barn and go up a story for hay storage.

The present parking area which is approximately 156 feet long and about 3 car lengths wide, runs the entire length of the barn and indoor arena and is more than adequate for our parking requirements while still allowing easy accessibility for trailers.

The hours of operation would be 8:30 a.m. to 5:00 p.m.

With the equine practice is a 24 hour practice. For the reason that a veterinarian having to go out on a call.

The nature of the place would not be any different than it is now. There will not be people coming in and out all the time to ride the horses, it will remain quite.

The manure will be hauled away at least once a week.

Rick Reynolds asked will you need larger stall for birthing.

Patricia Foss answered that they make stall that have a dividing wall so when the time comes the wall can be removed.

Lawrence Huntley, CEO spoke: so there are 7 stalls there now are you planning to add more.

Patricia Foss answered that I planned on adding stalls to the back of the barn, where they have already prepped the area to that.

Lawrence Huntley, CEO asked how many stalls.

Patricia Foss answered there would be 10 stalls, that doesn't mean that there will be 10 horses there at a time, but if we have 5 horses that are going to have babies we would have 5 stalls opened. I would like to add the stall in the back of the barn for the double stall if you need to.

Lawrence Huntley, CEO spoke: so you talking of doubling the size of the operation.

Patricia Foss answered stall wise.

Chairman Barry Chase spoke: there would be recreational use.

Patricia Foss answered there would be no shows, no lesson, no training, and no recreational use.

Shaun DeWolf asked if you are going to have the veterinary clinic set up, are you going to have definite stalls just for that at all times.

Patricia Foss answered that you would want to separate a horse that needs to be attended to by a veterinarian from other horses; such as the first three stalls for the veterinary clinic and the other horse on the back of the barn.

Chairman Barry Chase spoke: that this is a copy of the application of 2006 and it already has an existing use with no conditions. Is the application not transferable to a new owner?

Lawrence Huntley, CEO answered that it is transferable to a new owner except for the buttimear and the veterinarian, so you can rescind that conditional use and do a new conditional use.

Chairman Barry Chase spoke: that Julie Fernee was on the Board at that time.

Julie Fernee spoke: there wasn't much of a change of what they used it for. They will still have horses. I don't believe there is a change in the use.

Chairman Barry Chase opened the meeting for public comment at 6:58 p.m.

Skip Powell spoke: that the owner does a good job and the stalls will not be seen by the road. I have no problem with Patricia Foss's request.

Chairman Barry Chase closed the meeting for public comment at 7:01 p.m.

Condition:

1. Limit 20 Equine Stalls

*Rick Reynolds moved to grant the Conditional Use Permit for the Equine Boarding and Equine Veterinary Clinic with the condition to limit 20 Equine stalls and rescind the August 10, 2006 Conditional Use Permit issued on that date and property at 143 Randall Road, Mark Cahoon seconded a motion. Vote, 5-0*

### **3. Preview Next Agenda**

### **4. Other Business:**

### **5. Review Previous Minutes: Tabled**

### **6. Adjournment:**

Rick Reynolds moved to adjourn at 8:00 p.m., Shaun DeWolf seconded a motion. Vote, 5-0

Lawrence Huntley, CEO  
Planning Coordinator

Respectively Submitted  
Anita Merrow, Stenographer

Chairman Barry Chase

Julie Fernee

Shaun DeWolf

Mark Cahoon

Rick Reynolds

Chairman Barry Chase  
Julie Fernee  
Shaun DeWolf  
Mark Cahoon  
Rick Reynolds  
CEO  
Town Manager  
Post Inside/Outside  
File