

NORTH BERWICK PLANNING BOARD

MINUTES OF PLANNING BOARD MAY 11, 2017

Present: Jon Morse, David Ballard, Anne Whitten, Roger Frechette, CEO

Absent: Chairman Geoffrey Aleva, Barry Chase, Matthew Qualls

Also Present: Heather Rosholt, Wayne Whitten

1. Call To Order:

Vice Chairperson Anne Whitten will be the Acting Chairperson for tonight's meeting.

Acting Chairperson Anne Whitten called the meeting to order at 6:30 pm.

2. Review Previous Minutes:

Jon Morse motioned to approve the minutes of April 13, 2017 as written. David Ballard seconded the motion. VOTE: 3-0

3. Current Business:

3.1 The applicant Heather Rosholt of 109 Valley Road Tax Map: 006 Lot: 002-5 proposes to kennel 6 dogs at their home.

Pursuant to the Town of North Berwick Zoning Ordinance, Article 4.2 Land Uses (table), a Conditional Use Permit shall be obtained for this type of use in the Farm and Forest Zone.

Acting Chairperson Whitten asked the applicant if it was their own dogs or were they planning on keeping other people's dogs. Heather Rosholt said that it was their own 6 Pomeranian dogs. Acting Chairperson Whitten asked Roger Frechette where it stated that they needed a permit if it was their own dogs. Mr. Frechette stated that our Ordinance states that if it an applicant has more than 3 dogs, they need to get a permit. Acting Chairperson Whitten read the definition of Animal breeding and care from our Ordinance. It reads:

Animal breeding and care: The keeping and raising of animals including but not limited to fowl, for any non-commercial use. This term shall not include Household pets.

She also read the definition of Kennels which reads as follows:

Kennels: the term "kennel" shall apply to three or more dogs owned singly or jointly and living on a single premise, for any purpose, including but not limited to breeding, hunting, show,

training, hobby, trials or exhibition purposes. This definition shall not apply to dogs under the age of six months.

Jon Morse asked how big the dogs were. Heather Rosholt stated that she had one that was about 10 pounds and all the others are about 5 pounds. Mr. Morse asked if they were both male and female and she said they were. She stated that 2 of them were rescue dogs. David Ballard asked if she was planning on breeding them. Heather Rosholt stated that they were all neutered and spayed. Mr. Ballard asked why she had 6 of them. Ms. Rosholt said that they had not planned on 6 but the 2 that they rescued were not in a very good place so they couldn't leave them there.

Jon Morse asked if they actually had a kennel for them or did they all stay in the house. Ms. Rosholt said that they have a pen in the back that is attached to the house and has a doggie door. They stay in at night.

Jon Morse motioned to approve for Heather Rosholt to have 6 dogs. David Ballard seconded the motion. VOTE: 3-0

4. Other Business:

Jon Morse stated that they listen to people that come and want to have permits to do certain things and sometimes we put stipulations on the permit and other times we don't. Mr. Morse said that when they put the conditions on the permit and the people do not follow through with them, there doesn't seem to be any recourse to make these people accountable. He stated that there was one company in town that came here and we gave them a conditional use permit with the stipulation on it that they would need to pave their driveway before last winter. When Roger went to see them about it, he was told that they didn't have the money for it. It still has not been done. Mr. Morse was wondering why they were here giving out conditional use permits when there is no recourse when people don't do what was approved. Acting Chairperson Whitten stated that the permit stood on the conditions and if the conditions are not being held then there should be no permit.

Roger Frechette stated that when he talked to the person he was told that as soon as it got warm enough so the tar plants were open, he would pave it. Mr. Frechette tried calling the applicant again this week but he has not heard back from him. Mr. Morse stated that the business is Portico Realty and he sees signs up for them everywhere so he finds it hard to believe that he doesn't have the money for it. It has been over a year and a half and it is still not done. Mr. Frechette stated that he will keep trying to get in touch with him. Acting Chairperson Whitten asked Roger if we could pull the permit. Roger said that we could and the owner would just have to close that opening and not use it.

Roger Frechette said that he wanted to discuss the kennel issue with the Board. He said that the State says that it is for 5 or more dogs and we say 3 or more. He would like to be on the same

page as the State. David Ballard asked if the 5 dogs for the State was zone specific. Roger stated that there was no difference between the zones. Mr. Ballard said the one for the State states that the license expires annually so does that mean that the Conditional Use Permit would also expire. Roger stated that it would not expire and that the permit actually stays with the property not with the owner. If somebody else moved in at some point, they could have 6 dogs without coming before the Board. He stated that the license expiring is for the actual dog license.

Roger stated that if they wanted to make the change, it would need to be voted on by the Town. He just wanted to give them some information so that they could think about it for the next Town Meeting process.

6. Adjournment:

Jon Morse motioned to adjourn the meeting at 6:45 pm. David Ballard seconded the motion.
VOTE: 3-0

Roger Frechette
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Jon Morse

Anne Whitten

Matthew Qualls

David Ballard