

**Town of North Yarmouth
Planning Board - Minutes
Tuesday, November 11, 2014**

Tom Hinman, Katryn Gabrielson, Steve Morrison, Peter Lindsay (Chairman), Ande Smith
Ryan Keith, Code Enforcement Officer
Absent: Gary DiLisio, Paul Turina (Alternate)

Peter indicated that Katryn Gabrielson will be a voting member at tonight's meeting.

1. Minutes of October 14, 2014

Katryn commented that Amy Clements is the correct spelling of the name on page 1 and "plat plan" should read "plot plan" on page 3.

Steve Morrison moved to approve the minutes as corrected and Ande Smith seconded the motion.

Vote: 4 -Yes /0 -No /1 -Abstention (Lindsay)

2. Review –

Review for the second time Karl Small's submittal of Site Plan Review Application for new horse barn and riding arena on vacant land (110 ac.) adjacent to applicants home located at 74 Sweetser Road. Site walk took place on Oct. 23, 2014 onsite with Planning Board members Steve Morrison, Andi Smith, Katryn Gabrielson, members of the public, applicant and representative from the Morton Building Company.

Peter indicated that he would recuse himself from this item as he was not present at the last meeting and the site walk. He asked Ande Smith to conduct this portion of the meeting.

Ande proposed that the Planning Board get answers from the applicant to the questions proposed by them at the last meeting.

Karl commented on the fan specs and noise /decibel information. He indicated that the company stated that they are no louder than a common household fan. (Page 2 of the application packet was cited as a reference).

Lighting will be downward facing to minimize abutter impact. Ande indicated that the Planning Board prefers to have more specific information on style and wattage for lighting. Karl stated that they can be on timers if they wish.

Ande asked about a revised drawing to include building envelope. Karl indicated that a Google Earth-type plan was sent to the Code Enforcement Officer. Steve Morrison asked if a mylar is necessary. Ryan indicated that it is not but the plan submitted would be included in the file. Steve stated that he wants to be certain what the approval will be for clarity.

Ande asked if an abutter meeting was conducted. Karl and Audrey Lones indicated that it was suggested but not done.

There was a discussion on decibel levels in relation to a property in the community. Tom Hinman would like to be certain that the level doesn't exceed the allowed levels. Ryan indicated that a decibel level is difficult to determine which is why a noise curfew is generally done. Katryn asked if the lighting and noise in the performance standards of the site plan review would apply. Ande stated that best judgment would likely

apply here given that the fans would be in the cupola. There was also a discussion on the lighting standards. (Section 10.8 of the ordinance was cited for reference).

Ande indicated that Findings of Fact need to be created and is appropriate for the approval process.

Jennifer Robbins, an abutter expressed concerns about the size and scope of the facility, in particular if there would be any changes in the future. She expressed concerns about it becoming a commercial venture in the future.

Paul Peck, a neighbor indicated that the barn fans are quiet and the downcast lighting does not pose any issues. He thanked Karl for his work on improving the property and area property values and welcomes this addition.

Patsy O'Brian, Skyline Farm Board Member asked about issues regarding stallions becoming loose etc. She asked about any type of safety fence. She asked why the proposed size is so large for 6 horses and expressed concerns about it becoming a commercial venture. Karl indicated that the riding area will be fenced.

Tom stated that this application is for a non-commercial use and should there be a change of use in the future, it would require Planning Board approval. Ryan added that provided that the change of use would be permitted there.

Audrey Lones asked if the Board has all the necessary items given their discussion. She also commented on the site walk response regarding the fencing and it was stated that it was to be a white picket fence.

Jennifer Robbins asked if a trainer running a training business from this location is considered a commercial use. Ande indicated that the Conditions of Approval and Findings of Fact would try to address what the permitted use would be.

Turner Hansel, an abutter asked what the community is trying to accomplish as this project will result in more property taxes from this owner as a result of this project. He believes that there are roadblocks to the project. He supports this project and a trainer working in the facility, he believes, is not a commercial project.

There was a discussion on the procedure for drafting the Findings of Fact. The group agreed to create Findings of Fact for this item for the approval process.

Proposed Findings of Fact:

1. The owner of the property is TBFEC, LLC.
2. The location is 74 Sweeter Rd in the Farm and Forest District (Map 5, Lot 9) and contains 93 acres and is subject to the Groundwater Overlay Protection District.
3. TBFEC, LLC, has demonstrated a legal interest in the property and provided a copy of its quitclaim deed dated July 16, 2014 and recorded in Cumberland County Registry of Deeds. *(Book and page to be added)*
4. The applicant proposes to construct a 14 stall horse barn with and enclosed riding arena, an adjacent outside riding arena.
5. The application was determined to be complete on November 11, 2014.
6. A site walk was conducted on Oct. 23, 2014.

7. A public hearing was held on Oct. 14, 2014 and subsequent public comment was accepted on November 11, 2014
8. Sewage is to be disposed by a subsurface disposal system.
9. A site system evaluation was performed by Richard Sweet on March 24, 2014.
10. An email was received by the Yarmouth Water District dated Sept. 26, 2014.
11. Manure is to be stored on a removable container on a covered concrete pad.

Karl Small commented on new a new system being used and that specifying a specific type of container could be problematic should the 3rd party contractor go out of business for example. Katryn commented on the letter from the Yarmouth Water District. Karl commented on the current system being suggested by the Yarmouth Water District would take a lot of time to fill and would not be cost effective to dispose if the container is not full. Peter Lindsay stated that the Water District letter is a recommendation, not a requirement.

12. The applicant proposes an access way as annotated by the applicant and submitted survey to the Code Enforcement Officer dated May 25, 2011, by Livingston Hughes Land Survey Corp. and included in the application as annotated by the applicant.

13. Waivers submitted in the application are accepted. *(specifically outlined)*

14. The applicant's facility is to be located and oriented as generally shown on the applicant's annotated survey dated May 25, 2011 attached hereto as Exhibit A comprising the building and site work elements as shown in the sketch plan attached hereto as Exhibit B and included in the application dated Sept 14, 2014 and within the building envelope as depicted in Argiplot rendering dated October 14, 2014 and emailed to the Code Enforcement Officer on Oct 20, 2014 and attached hereto as Exhibit C.

Ryan indicated that erosion/ sedimentation work is done with projects and is reviewed in the process.

Katryn Gabrielson moved to adopt the Findings of Fact as presented and Steve Morrison seconded the motion.

Vote: 4 -Yes/ 0-No/1-Abstention (Lindsay)

Steve Morrison moved to amend the Findings of Fact to include the following information below and Katryn Gabrielson seconded the motion.

The applicant's facility is to be located and oriented as generally shown on the applicant's annotated survey dated May 25, 2011 attached hereto as Exhibit A comprising the building and site work elements as shown in the sketch plan attached hereto as Exhibit B and included in the application dated Sept 14, 2014 and within the building envelope as depicted in Argiplot rendering dated October 14, 2014 and emailed to the Code Enforcement Officer on Oct 20, 2014 and attached hereto as Exhibit C.

Vote: 4-Yes /0-No/ 1-Abstention (Lindsay)

Steve Morrison moved that the standards of the town's Land Use Ordinance including Section 10 is accepted by the Board and Katryn Gabrielson seconded the motion.

Vote: 4 -Yes/ 0 –No /1-Abstention (Lindsay)

There was a discussion on a signage condition. It was concluded that it was not necessary and the town's sign ordinance guidelines would be followed.

There was a discussion on outlining the fact that it is not a commercial use. Karl stated that he does not want to be a commercial boarding facility, but rather have family and friends access the barn if needed. He doesn't intend to pay expenses for any other horse from family and friends. Trainers for these horses could be there for them.

There was a discussion on the number of stalls; 12 or 13 and whether or not this should be part of the Condition of Approval.

Tom Hinman asked about potential events on the property. Ryan indicated that they must come to town hall to get a permit and approval for a day event and the town's ordinances apply for this as well. Tom asked about fire protection standards for the building. Ryan indicated that this applies to occupant-type buildings. Karl stated that he will have a security system and it will be hardwired to his home.

Conditions of Approval:

1. The facility shall not be used for commercial purposes.
2. The facility will be oriented inside the building envelope with parking located on the easterly side of the stall barn hidden from view from abutter Robbins' property.
3. The facility shall not be used to house more 14 horses at any time.

Steve Morrison moved to accept the Conditions of Approval and Tom Hinman seconded the motion.

Vote: 4 -Yes/0-No /1-Abstention (Lindsay)

Steve Morrison moved that based on the Findings of Fact and Conditions of approval of November 11, 2014 that the Planning Board hereby grants the approval of the application to Karl Small (TBFEC, LLC) and Tom Hinman seconded the motion.

Vote: 4 Yes /0 No / 1-Abstention (Lindsay)

3. Any other items as the chair may deem appropriate

Peter reminded the group to have the September minutes on the next agenda for approval. He also updated Ryan on the approval procedure. He also commented on the Planning Board packet preparation process and handouts the night of the meeting. Peter indicated that they would like to have the Code Enforcement Officer prepare the draft Findings of Fact for future applications. It is helpful to the Board.

The group had a discussion on the various processes to move the applications and meetings along.

4. Adjournment

Ande Smith moved to adjourn the meeting and Katryn Gabrielson seconded the motion.

Vote: 5-Yes/ 0-No

The meeting ended at 9:22pm.