

Minutes Meeting of October 22, 2003- Sullivan, Habitat for Humanity

Members: Dave Gandle, Bob Cadle (Sullivan), Shaun Sullivan (Habitat), Mark Mulligan, Chase Duffy, Cindy Maxwell

The Acting Chairman convened the Sullivan hearing by reading the Legal Notice

Mr. Sullivan said that he has been approached by a trainer in town to give lessons in his backfield and have people board. He said that there are no real plans to change much except for the leveling out of the backfield. He said that it is already partly fenced off and where training currently happens. He said that he may fence off more area but he wants to see how things go. He said that there is room for one more horse for a total of five; he owns three and one boarder has recently moved in.

Mark asked whether there would be any changes to structures.

Mr. Sullivan said that there will be no changes except to for the leveling of the field.

Mrs. Sullivan said that their daughters are starting to jump and thus the field would be leveled any way. She said that the trainer comes three times per week to give lessons to their children. She said that they hope that the barn will pay for itself.

Mr. Sullivan said that this proposal is in line with the intent of the zoning by-law, which allows this by special permit.

Mr. Mulligan asked about parking.

Mr. Sullivan said that they have room for five vehicles and can clear for more if necessary.

Mrs. Duffy asked whether people would come with horse trailers.

Sullivan said that they will provide the horses.

The Board asked about manure disposal.

Mr. Sullivan said that it has been and will continue to be spread out over the backfield.

Mrs. Sullivan said that most parents drop off their children and leave.

Mr. Gandle asked whether the operation would be seasonal.

Sullivan said that they will give lessons until it snows, but noted that there will be activity around

the barn all year. He said that this is also a means of income for his 15-year old daughter.

Mrs. Duffy asked about feed/hay delivery.

Mr. Sullivan said that they pick up all feed and hay with help from their children.

Jim Wyman, abutter, asked about where the riding will take place.

Mr. Sullivan said that it will continue where it currently happens, with maybe an expansion of the backfield. He said that riding will only take place outside.

Mr. Wyman asked about manure disposal and how it is monitored.

Stephanie Janis said that the Con. Comm. is involved if there are wetlands and the BOH becomes involved if there is a real problem. She noted that manure can be spread up to a point.

Mrs. Wyman noted concern re: flies. She said that the manure should be spread out as much as possible.

Mr. Sullivan said that there will be no piles of manure and noted that he has a machine to spread it.

Mr. Wyman asked whether there would be staging for rail trail rides.

Mr. Sullivan said no.

Mrs. Wyman asked about dust control.

Mr. Sullivan said that the training is being conducted by someone who is experienced and thus will be controlled.

Mr. Fleming asked whether there would be more than five horses.

Mr. Sullivan said that there is no plan for more than five.

Mr. Fleming asked about the backfield expansion. He said that the flies were terrible this summer and suggested better manure spreading.

Mr. Sullivan said that he was unaware of the fly problem and said that they will definitely turn over the manure into the ground.

Mr. Wyman said that a farmer in Tyngsboro takes away stockpiled manure.

Ms. Zwicker asked about hours of operation and noted concern re: flies and dust. She said that five horses are much different than one or two. She said that she wants care taken because this is a residential neighborhood.

Mr. Sullivan noted that the Board could condition the permit for no more than five horses. He said that the planned hours of operation are for summer 8 am to 8 pm, and the school year 2 pm to 8 pm.

Ms. Maxwell asked about lighting.

Mr. Sullivan said that there are no plans for lighting. He said that people would not be riding until 8 pm but there may be activity in the barn such as haying, feeding, grooming, etc. He said that he has some light in the round pen that has been there for years and is not currently working and stressed that there are no other plans for lighting.

Mr. Cadle asked how long he has had horses.

Mr. Sullivan said that over past three years he has picked up a horse per year and has just acquired a fourth two weeks ago.

Mr. Fleming asked about the horses getting loose.

Mrs. Wyman said that they were drinking from her pool one day.

Mr. Sullivan said that they will improve the fencing.

Mrs. Duffy asked about State licensing.

Mr. Sullivan said that the next step is to go to the Dept of Aggie, after receipt of this permit. He said that the trainer felt that there would not be a problem with the State inspection of barn, paddocks, turn-out area, etc.

Mr. Sullivan said that stall size is personal but he wants the horses to have as much room as possible.

Chase said that last year was bad for flies without horses in her neighborhood.

Discussion ensued regarding how many horses are legal.

Ms. Janis said that one can have up to 15 horses with no minimum acreage.

Mr. Sullivan said that there is no business on the property yet.

Mrs. Sullivan said that they are counting on the Dept. of Aggie to tell them what, if anything, needs to be done with the facilities. She said that they are just starting to feel out the process and noted that her daughter will be learning barn management. She said that two of her kids are really into horses, etc.

Mr. Wyman asked about plans for breeding.

Mr. Sullivan said that the trainer's horse is a mare that may be bred but noted that she would move the horse away for this.

Mr. Cadle suggested a site walk because of parking and site line issues, particularly with the nearby school bus traffic.

Helene Cahane said that she likes having another riding school in town, but noted that there will be hurdles such as flies, smells, etc. She said that parking was an issue when she obtained her permit, but said that children are generally dropped off. She said that she has 15 students and never has more than three cars on her property. She said that everything works well on her property. She said that there will be more flies and more manure, which cannot be helped, but noted that that is part of being a horse town.

Mr. Cadle asked how many horses she has.

Helene said that she has 7 and spreads the manure over many parts of her property. She noted that manure is great to use in landscaping.

Ms. Janis said that she is grateful for her permit and has obeyed the strict conditions. She said that it is good for the town to have horse statistics. She also noted that with a permit there is a need for higher insurance and better safety.

Ms. Zwicker agreed that this is horse country but the Board needs to acknowledge that this is the center of town. She felt that the number of horses should be limited because of the proximity of the school and the density of the neighborhood, etc.

Mr. Sullivan noted that his property is right on the border of the business district.

Discussion ensued regarding location.

Mr. Sullivan felt that site lines should not be an issue because they are not a problem for surrounding businesses.

Mr. Cadle said that 25 trips per week is a significant increase and said that he is worried about

safety.

Mrs. Sullivan said that several parents have said that they go by every day and thus this would be a perfect location for lessons.

Mr. Cadle said that this will increase flow in and out of the place and those are the site line concerns.

Mr. Gandle asked about rail trail access.

Mrs. Sullivan said that they do have access and the girls ride on the trail. She said that there would be no parking of trailers to access the rail trail.

A site walk is scheduled for 11/1/03 at noon.

The hearing is continued to 11/5/03 @8:30 pm.

The motions were seconded and passed unanimously.

The Acting Chairman convened the Habitat for Humanity hearing.

June Johnson, Steve Boczenowski, Brad Bigelow, Teri Ragout were present as representatives for Habitat for Humanity.

Ms. Johnson said that they are requesting a variance for placement of a structure less than 50 feet from an unimproved road in the Lost Lake area. She said that the parcel is over one acre, a gift from GCT to Habitat. She said that the septic system has been designed. She said that the terrain is bowl-like and similar to other Lost Lake lots with unimproved trails. The trails will likely never be improved, and because of the septic system the dwelling needs to be within two feet from Mr. Moore's property line. There are frontage roads for the property. Wolf Trail is a paper road, which was laid out and never built in the 1920s. The driveway comes off of Whitney Pond Road, which is not paved in that section. There are houses beyond it and town water will be brought to the property because it is less than 500 feet from Lone Lane.

Mr. Sullivan asked about the listed owner unknown properties, specifically uphill from house and asked if Wolf Trail provides the only access.

Ms. Johnson said that Barry Lane, another paper road, is nearby. If the owner shows up for one of the unknown ownership lots, Barry Trail would be used for access. She said that most of unknowns are put up for auction by the town and the direct abutters bid on them.

Alan Margues asked about the exact setback.

Ms. Johnson said that the dwelling will be about two feet from the unimproved paper road and approximately 32 from the abutter.

Mr. Margues expressed concerned about his well because the road is only ten feet from the well.

Ms. Johnson noted that it is only a driveway. She said that Mr. Marques may be accessing his property from a neighbor's property. She said that this is just a gravel driveway. She noted that from a Trust perspective they wanted to join with Marques to have a shared maintenance driveway. She said that the property is owned by the Trust and the Assessors don't consider it a road, but just a parcel.

Mr. Moore said he has been using the land for access to his property for 30 years.

Ms. Johnson said the he can continue to use the road as a driveway and said that it should be considered and kept as a driveway.

Mr. Gandle asked whether the driveway will be part of the Habitat project.

Ms. Johnson said that it is owned by the Trust and will be a part of the property, but will remain usable for the abutters and other Lost Lake residents. She said that it makes sense to share the maintenance of private, shared driveway.

Mr. Sullivan asked whether there would be a covenant.

Ms. Johnson said that there will be and the shares will be appropriated.

Mr. Marques said that he has no area to park.

Ms. Johnson said that no one has a right to block the road.

Marques said that there is no other area to park.

Ms. Johnson said that his is a small lot and they are limited by topography but stressed that he cannot block the driveway.

Discussion ensued regarding driveway/road width.

Abutter residing at 14 Whitney Rd. said that he is familiar with process and asked what the acreage requirement is.

The Acting Chairman said that the lot doesn't meet zoning requirements and thus why the applicant is here.

Ms. Johnson said that this grandfathered Lost Lake lot has history and because of the topography has been separate and apart and probably does not need a variance. She stressed that this is a more than one acre lot, which is large by Lake standards.

Discussion ensued regarding Lost Lake variations of lot size.

The abutter asked whether the trail would be widened.

Ms. Johnson said that it would probably be slightly wider than the current travel way but narrower than 33 feet.

Chase said that the PB may require at least 20 feet of clearance.

Fran Moore said that house is almost on Wolf Trail and asked what the address would be.

Ms. Johnson said that that is a good question and is established at the Town Clerks office.

Mr. Marques asked whether Whitney Pond Road would be paved when the water is brought in.

Ms. Johnson said that the residents need to talk with Highway about paving.

Mr. Marques asked about sidewalks, etc.

Ms. Johnson said that that is only required with a subdivision.

The Board suggested a site at 12:30 pm.

The hearing was continued to 11/5/03 at 9:00 pm.

The motion was seconded and passed unanimously.

The meeting adjourned at 9:30 pm.