

Zoning Board of Appeals Meeting Minutes

Minutes of 8/5/2015

Hearing on the petition of Angela Savoie of 149 White Birch Street, Leicester, Ma. for a special permit to allow the keeping of two (2) horses on the property.

Members present: David Orth, Chairman; David Kirwan, Vice Chairman; Jim Buckley, Clerk; Vaughn Hathaway

Alternate members present: Mary Moore, Jim Reinke, Richard Johnston

Meeting called to order at 7:30PM

Instructions were given on the hearing procedures.

Voting at tonight's meeting: Jim Buckley, David Orth, Vaughn Hathaway, David Kirwan and Mary Moore

Mr. Buckley read the Notice and Application into the record.

Submitted into evidence: A Registered Plot Plan and the return receipts from the Certified Mailing to abutters

Correspondence received: Site Consideration from building inspector that Mr. Orth read into the record.

Mr. Orth opened the meeting to the applicants to present their petition.

Ms. Angela Savoie & Mr. Ryan McGearly represented the petition.

Ms. Angela Savoie said she has had two horses for quite a while and just bought this property in May. She is asking for a special permit to allow them to live on her property. They are currently being boarded and she has plenty of land for two horses to live.

Mr. Kirwan had visited the site and felt there was plenty of land for two horses. He questioned if Leicester was a Right to Farm Community. He then asked what kind of fencing would be used.

Ms. Savoie said currently there was barbwire fencing, but she plans to replace that with white wood fencing.

Mr. Buckley asked how the waste would be disposed.

Ms. Savoie said the waste will be stored in containers and removed every other week

Mr. Reinke looked up to see who was a Right to Farm Community and Leicester was not one of them. He suggested contacting the Board of Health and getting a list of registered haulers that are filed with the Board of Health Office for the hauling of the waste.

Ms. Savoie agreed.

Mr. Hathaway said the plan shows two accessory structures and asked which one was for the horses

Ms. Savoie reviewed the plan showing the furthest structure from the house was where the barn will be placed. The fencing will go along the three sides and the waste will be removed by tractor off the property.

Mr. Hathaway pointed out on the plan a statement that says, “this is a mortgage inspection and not an instrument survey. Do not use to erect fences, other boundary structures, pools, driveways or sheds.”

Mr. Orth pointed out the plan being stamped by a Registered Engineer and felt the statement was just a standard disclaimer language.

Mr. Hathaway had concern with the measurements not being accurate on the placement of the barn from the lot line. Typically, the distance from the lot line and from existing structures is shown on the plan and he could not tell from this plan how far away the barn will sit.

Mr. McGeary said the barn will be 10-feet from the lot line.

Mr. Hathaway asked the distance of the waste container.

Ms. Savoie said the waste will be stored in a dumpster near where the horses will be.

Mr. McGeary said there will be a dumpster dropped off, the waste will be stored in the dumpster and every two weeks it will be removed.

Mr. Hathaway suggested checking with the Board of Health who enforces waste removal procedures.

Mr. Reinke asked which way the land sloped and where the septic was located. Mr. McGeary said the land has a natural slope towards the back of the lot and the septic was located in the front.

Mr. Reinke asked how much of the area will be restricted just for the horses.

Ms. Savoie said they have a little over an acre of land.

Mr. Reinke asked if the lot had grass and if so, was the grass going to be removed for a ring instead. Ms. Savoie wasn't sure how they would proceed with that.

Mr. Kirwan asked if the applicant had to go to the Board of Health in order to get an approval for horses. Or can the Board approve this and if issues come up regarding the waste, it goes to the Board of Health. Or can the Board approve this with conditions.

Mr. Hathaway said everything is taken into account and the Board can approve with conditions.

Mr. Kirwan asked if there would be only two horses. Ms. Savoie said yes, she only wants to have two horses.

Ms. Moore asked if this application should be continued until they get Board of Health approval.

Mr. Hathaway explained that they will need to follow the Board of Health regulations regarding storage and removal of the waste. So there was not need to continue the hearing until the Board of Health approved.

Mr. Kirwan asked about the possible impact to the neighbors from the storage of the manure.

Ms. Savoie said it will be a solid waste dumpster that will have a lid.

Mr. Hathaway asked how much waste would be collected per day.

Ms. Savoie said approximately $\frac{3}{4}$ of a wheel barrel-full a day. During the summer months, the horses will be mainly outside and only inside at night, so there will be less collected during the summer.

Mr. Reinke asked if there were any regulations regarding land restrictions for horses. The Board agreed Leicester did not have any regulation requiring a certain amount of land to have a horse.

Mr. Orth asked for any further comments or questions; hearing none, asked for a motion.

MOTION: Mr. Hathaway moved to approve the petition of Angela Savoie of 149 White Birch Street, Leicester, Ma. for a special permit to allow the keeping of two (2) horses on the property, with the following conditions: 1) there's a limit of two horses; 2) the structure for the horses is not to be closer than 10-feet from the lot line; 3) the storage of manure is not to be closer than 20-feet from the lot line; and 4) the manure is to be removed at least one a month.

SECONDED: Mr. Kirwan – Discussion: Mr. Reinke felt the area was way too residential in nature and the lot was way too small for two horses. There's the potential of runoff onto neighbors yards and is pretty close to the neighboring homes.

VOTE: All in Favor

Instructions were given on the appeal process and the filing of this decision with the Registry of Deeds.

MOTION: Mr. Reinke moved to close the hearing

SECONDED: Mr. Hathaway – Discussion: None

VOTE: All in Favor

Hearing closed at 8:07pm

Respectfully submitted,

Barbara Knox

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GENERAL MINUTES

Minutes

June 17, 2015

Motion: Mr. Hathaway moved to approve the minutes of June 17, 2015

SECONDED: Mr. Kirwan – Discussion: None

VOTE: All in Favor

Reorganization of the Board

MOTION: Mr. Orth nominate Dave Kirwan as Chairman

SECONDED: Mr. Reinke – Discussion: None

VOTE: All in Favor

MOTION: Mr. Buckley nominated David Orth as Vice-Chairman

SECONDED: Mr. Reinke – Discussion: None

VOTE: All in Favor

MOTION: Mr. Hathaway nominated Jim Buckley as Clerk

SECONDED: Mr. Orth – Discussion: None

VOTE: All in Favor

Mail

- Building Inspector's Occupancy & Building Permit June Monthly Report

Meeting adjourned at 8:30PM

Respectfully submitted:

Barbara Knox

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