

**BOARD of APPEALS**  
**Public Hearing**  
**August 21, 2014**  
7:30 p.m., The Annex

**MEMBERS PRESENT:**    **Richard O’Leary**  
                                  **Cynthia McKean**  
                                  **Lisa Douglas**  
                                  **Brian Ivanhoe, Chairman**

**MEMBER ABSENT:**     **James Murphy**

**OTHERS PRESENT:**    **Gerald Reilly, Counselor**  
                                  **Janice Will, Recording Secretary**  
                                  **Members of the Public**

***Chairman Brian Ivanhoe called the August 21, 2014 Town of North Salem Zoning Board of Appeals meeting to order.***

The next meeting date was set for September 11, 2014.

The minutes of the July 17, 2014 meeting were unanimously approved.

**HEARING CARRIED OVER:**

**BA14-23** Lynn Tyson and Richard Vosburgh (175 Finch Road) – **Special Permit** – To amend Special Permit BA09-37 (keeping of up to 5 horses for personal use) to include installation of 3 shed-row structures (in place of a 6-stall barn proposed in the application for BA09-37) and paddock fencing, relocation of an existing shed-row and a manure dumpster, per Article XIII Section 250-72.

Don Rossi, attorney for the applicants, stated that he submitted a letter with a sketch showing an area of all-weather paddock on the west side of the property that will be enclosed to enable isolation of horses if needed. The fencing of the area will be 75 ft. from the westerly property line and will enclose one of the 2 existing shed-rows (the other to be relocated). Mr. Rossi read the following list of conditions agreed to at the July 17 hearing: manure may not be allowed to accumulate in the paddocks; hay racks must be 100 ft. from the westerly property lines; the shed-row that is to be moved will be re-located to option B; and the manure dumpster will be located in the new barn area on the easterly side of the subject property.

Mr. Rossi said the more intense aspects of the operation will be on the easterly side of the property, and the new fenced-in area on the westerly side will address those concerns aired at the July meeting. He added that his clients and their son were present.

Chairman Ivanhoe stated that the Zoning Enforcement Officer/Building Inspector, Bruce Thompson, was unable to attend the meeting, but he sent the Chairman an e-mail listing things he thought merited discussion and which he felt should be included in the resolution. The Chairman said he would go through the points raised by Mr. Thompson.

Time limit on construction: Chairman Ivanhoe said he would be inclined to change this to a target date for the proposed construction of new shed-rows, something the Board has done before. If there is a problem, the Board can extend the time, but they would like to have confidence that the plan will take shape.

Mr. Rossi asked if the Chairman was thinking of a shorter period of time than the 18-month period usually included in special permit resolutions (*special permits that involve construction expire in 18 months if no building permit has been issued*). He remarked that the application is really for an amendment of a previous plan.

Gerald Reilly said Mr. Rossi was wrong; the previous special permit expired/the current application is for a new special permit.

Mr. Rossi stated that his clients were presenting an amended plan for the property/different from the original one. He said his clients intend to move forward, noting that the life-span of the new special permit will be 18 months if granted, and he asked again if the Chairman was thinking of asking for a shorter period of time.

The Chairman said he thought 18 months would be sufficient/he thought the applicants wanted to get the improvements done.

Mr. Reilly asked if the condition would be 18 months to complete construction.

Mr. Rossi said it would be 18 months to get a building permit.

Clearly define the size and location of a medical paddock: Chairman Ivanhoe said this area has been drawn in on the westerly side of the property and is described as an all-weather paddock.

Mr. Rossi commented that the drawing is clear enough as submitted/merely labelled differently.

Mr. O'Leary asked if there will be 2 fenced areas.

Mr. Rossi said the all-weather/medical paddock will be completely enclosed/divided into 2 sections by a fence.

Western paddock maintained as grass: Chairman Ivanhoe said this was discussed in July and the medical paddock should help achieve it.

Lynn Tyson said she did not understand.

The Chairman explained that the Building Inspector was requesting that there be a condition in the resolution that the paddock on the west side be maintained in grass.

Mr. Rossi said the isolation of the all-weather paddock and moving the hay racks so they will be at least 100 ft. from the side property line will allow for the pastures toward the westerly line to have less intensive use, but he also added that he did not want his clients to be held to an agreement that the westerly pasture will always be grass. He said this is not a typical requirement; if the pastures are not kept up and a dust-producing situation arises, the Building Inspector has the authority to enforce correction.

Chairman Ivanhoe said he thought Mr. Thompson was seeking to avoid a dust problem.

Mr. Rossi said he did not want a more stringent condition in the resolution than is levied upon other farms.

The Chairman said some farms have those kinds of conditions.

Mr. Reilly said the condition is appropriate because the paddock is close to the neighbors.

Chairman Ivanhoe read the Building Inspector's request that both the westerly and front paddocks be kept in grass. He said the Board would focus on the westerly paddock but would leave it to the applicants' good management practices to keep up the rest of the farm.

Mr. Rossi asked to be given a moment to talk to his clients. He remarked that they only have 4 horses; far fewer than the other farms mentioned by the Chairman as having stringent conditions.

When Mr. Rossi and his clients returned to the meeting room he said Ms. Tyson had told him that the western paddock contains a special footing material put in by Lawton Adams that has only grassed-over recently because it isn't being used.

The Chairman asked if Mr. Rossi was referring to the entire western paddock.

Mr. Rossi said the special footing includes the area of the proposed medical paddock and goes to the western property line. He said he would prefer to be required to keep the area dust-free and not commit to maintaining the area in grass.

Manure not to be allowed to accumulate in any of the paddocks year-round: Chairman Ivanhoe said he felt that had been covered at the July meeting.

Mr. Rossi said the hay-racks were dealt with in July also. He said they will only be placed inside the newly-fenced area.

The Chairman said the Board would require that all hay mows be kept 100 ft. away from the westerly property line.

Mr. Rossi and Ms. Tyson agreed to this.

Chairman Ivanhoe read further from the Building Inspector's point about manure that it should be collected and stored in a container that minimizes leakage and is emptied as often as necessary. He noted that a location for a manure dumpster is clearly indicated on the site plan.

Use of paddocks experiencing erosion problems to be discontinued: Mr. O'Leary asked if it wouldn't be better to discontinue use before erosion actually occurs.

The Chairman remarked that erosion can happen after one heavy rainfall.

Mr. O'Leary said he believed Mr. Thompson was saying that if the grass is gone, erosion will occur.

Mr. Rossi said he objected to any requirement to consult the Building Inspector for approval of steps to be taken.

Chairman Ivanhoe said the Board has not made a condition like this before.

Mr. Reilly said a better condition is one that, if violated, must be dealt with/the situation brought up to the standard of the condition.

Mr. Rossi stated that if erosion conditions are created, appropriate steps will be taken to address it. He added that it is covered already by general special permit standards in the Zoning Ordinance.

Chairman Ivanhoe said he would ask that the applicants take care not to over-graze the land also.

Mr. Reilly said there were conditions described in the August 6 letter from Mr. Rossi and other requested by the Building Inspector in his e-mail to the Board, and he asked for clarification of which conditions are to be described in the resolution.

The Chairman said they would go over the conditions after the public hearing is closed. He asked Peter and Janet Meisels of 165 Finch Road (next-door neighbors) if they had anything new to add, given that they commented at length at the July 17 hearing.

Mr. Meisels said he had some questions and comments. He remarked that the new fencing is not consistent with any of the legends.

Chairman Ivanhoe asked to interrupt Mr. Meisels. Reading from Mr. Thompson's e-mail, he said there will be a condition that it is assumed that all fencing is on the applicant's property and should a survey ever indicate otherwise, the applicant/property-owner at the time of discovery, shall be responsible for moving the fence wherever it encroaches onto the neighbor's property, and shall do it solely at his/her expense. The Chairman asked if this is an issue.

Mr. Rossi said the property has been surveyed and there is no objection to the condition.

Mr. Meisels said that as the new fence doesn't match any legend, he wanted to know if it is going to be 4-board oak fencing like the existing fences.

Mr. Rossi said no final decision has been made about the fencing; it will be whatever fencing is permitted by the Code.

Mr. Reilly said the Town Code requires that the finished/"good" side of all fencing shall face outward/toward the neighboring property.

Chairman Ivanhoe added that it is not a real issue for horse fencing; the horizontal boards should be on the inside and the posts on the outside so the horses cannot push the fence out. He added that in oak fencing, both sides look about the same.

Mr. Meisels said his house faces the westerly paddock; when the trees are bare in the winter it is a clear view, for which reason he asked that the new fencing match the existing fencing which was required by the 2009 special permit.

The Chairman commented that either 3- or 4-board fencing is typical; he thought the Board could include that.

Mr. Rossi objected, saying it will be an interior fence.

Mr. Meisels said his view of the area is clear/he cares how it looks.

Mr. O'Leary understood Mr. Meisels point, saying they would not want to see chicken wire or chain link for example.

Mr. Rossi reiterated his preference to be free to use whatever is permitted by the Code/his clients don't want to be dictated to.

Chairman Ivanhoe thought that for aesthetic reasons, the applicants will probably want to match the existing fencing.

Mr. Rossi said they do not want to be obligated to comply with such a condition.

The Chairman stated that he feels use of temporary electric fencing is not a good practice; he thinks it is unsafe.

Mr. Meisels said the other fencing in question is the new fencing on the easterly side of the subject property. He thought that for aesthetic effect on the entire neighborhood, the new fence should be consistent with the 3-or 4-board fencing that is normally required.

Chairman Ivanhoe said the Board does not normally require a specific material; they recommend 3- or 4-board fencing. In instances of paddocks along very busy roads, 4-board fencing is strongly recommended but even then not required.

Mr. Reilly read from the BA09-37 resolution, "All paddock fencing is to consist of dark brown wood. The fencing may not be less than 4 ft. high and not more than 5 ft. high, and shall be constructed of 3 or 4 horizontal boards."

The Chairman thought the Board might just carry this condition over in the new resolution.

Mr. Reilly agreed that it would be appropriate to do so.

The Chairman explained further that if BA09-37 had not lapsed/the current application was for an amendment, the condition would automatically be part of the amended special permit.

Mr. Rossi said there is to be a new fence; all different kinds of fencing are used, including electric. He said the condition about fencing in the 2009 special permit was included because there was no horse-keeping on the property before, and the new fencing is to be interior. Mr. Rossi added that his clients' property is visible from other properties in the neighborhood, and there have been no other comments at all from anyone but the Meisels. He stated that he felt a specific condition about the new fencing would go beyond what is necessary to ensure that the project is in keeping with the character of the neighborhood.

Chairman Ivanhoe remarked that there is currently 4-board fencing along Finch Road and on the boundary between the subject property and the Meisels' property, but he was not comfortable specifying fence-type to be employed. He added that although he does not recommend use of any type of electric fencing, temporary electric tape fencing is better than some other kinds.

Mr. Meisels said his next question concerned the 2 shed-rows on the westerly side of the subject property because the drawing indicates that one is to be moved to Option B, but Mr. Rossi's letter states that Option B will be chosen if one of the shed-rows is moved.

The Chairman said it was his understanding that one is to be moved.

Mr. Rossi said the drawing is correct/the word "if" should be stricken from his letter.

Mr. Meisels asked the Board to consider requiring the westerly paddocks be maintained in grass with the exception of the interior medical paddock. He showed the Board photographs he took of other farms in the neighborhood, including his own.

The Chairman pointed out that one of the farms is actually a cattle farm/not a reasonable comparison, but Mr. Meisels said he thought they all illustrated the character of the neighborhood.

Mr. Meisels said the all-weather paddock area will be fairly close to his property, so it would make a difference to him if the rest of the westerly paddock area could be kept in grass.

Chairman Ivanhoe said he was taking into consideration the applicants' different method of operating their property. He remarked that he was not saying they may allow over-grazing as they have in the past, but he thought the new plan with new buildings and better rotation of the paddocks will be good enough/he did not want to include a condition that grass will be required. The Chairman added that if the Building Inspector is not satisfied with conditions on the property, grass may be required in the future.

Mr. Meisels noted that there is grass now; something would have to be done to change it.

The Chairman said the grass is new/may be tenuous, depending on the seed mix used.

Mr. Meisels said the grass makes a difference to him and his wife, and they are not asking for anything to be changed; just for the grass from the fence-line to the medical paddock to be kept as it is now.

Mr. Rossi stated that this would be an additional standard his clients don't think they should have to comply with. He said if there is dust or erosion, it will have to be dealt with. He added that his clients have made every practical adjustment to accommodate the Meisels, including putting in a berm, sectioning off the all-weather paddock and planning to relocate the shed-row to the farther of 2 potential sites. Mr. Rossi objected to the implication that what is in the photograph of the subject property should become some kind of standard, reiterating that the Zoning Ordinance has standards regarding dust, erosion and run-off which the Building Inspector may take steps to enforce.

Chairman Ivanhoe said the Board had not yet addressed management of the property; everything that has been done so far or proposed has been positive, and the hope is that with the additional fencing and the all-weather turn-out, the land will not be over-grazed in the winter/wet weather in the future. He said the area most exposed to the Meisels property should remain attractive, and the Board will take the word of the applicants that they will not allow that area to be over-grazed. The Chairman added that if there is a problem, it will quickly become apparent and certain maintenance conditions will be included in the special permit.

Mr. Reilly said the Board could make a condition.

The Chairman said from the area of the new fencing to the property line should be kept in grass as the neighborly thing to do.

Mr. Reilly said he was concerned about putting maintenance of grass as a test/he would prefer to see a condition included. He stated that it is the Building Inspector's position that if there is not grass, there will be dust. Rather than wait to see what happens, it seems to be his intention to ask that grass be required so that dust will not develop.

Chairman Ivanhoe said that, looking at the situation from the Tyson/Vosburghs' point of view, it is a large paddock. The Board would have to designate a certain, unfenced area.

Mr. Rossi said the applicants' horse-management plan allows the horses to roam freely over the property. He added that installing the new buildings on the other side of the

property and moving the hay racks will have beneficial effects. He noted again the numerous general conditions in the Zoning Ordinance pertaining to special permits that may be enforced by the Building Inspector at any time. Mr. Rossi stated that the westerly paddock may not always have grass, but it won't be dust-producing.

The Chairman asked if that paddock is currently being grazed.

Ms. Tyson said the footing provides special drainage and is not dust-producing. She indicated that she was referring to the entire western side from the property line to the shed-rows. She explained that the area is turned over annually so grass will not grow; it was not turned this year, resulting in grass. The area to be fenced off from the large pasture will be a sacrifice area and not have grass. The rest of the area has grass now because the horses are really not using it/the hay racks have been moved.

Ms. McKean said moving the hay racks to the east side would eliminate a lot of the problem; horses will linger in the vicinity of a hay rack. She added that the horses would still spend most of their time on the west side if the hay racks are just moved in 100 ft. from the property line. Ms. McKean remarked that the hay racks can be moved around and the horses will still be free to roam the land, eliminating the problem of over-grazing on the west side.

Mr. Rossi said Ms. McKean's suggestion would merely concentrate use of the land on the east side instead, but Ms. McKean said there is no near neighbor on that side.

Mr. Rossi said he thought there should be a hay rack in the newly-fenced all-weather area.

Ms. McKean commented that the area isn't big enough for 4 large horses.

Ms. Tyson said the area is not new/it has always been a sacrifice area; it has temporary fencing now and will be fenced in the future. She added that the horses will continue to feed there (inside the fenced sacrifice area) with the hay racks at least 100 ft. from the property line, and they will continue to use all of the property.

Chairman Ivanhoe asked how the large westerly paddocks has been kept in grass recently, given that it is being used, if lightly.

Ms. Tyson said the grass has encroached from the pasture because the ground was not turned in the spring. She said the horses have not really been using the pasture because the hay racks have been moved.

Mr. O'Leary asked if the hay racks have already been moved inside the sacrifice area, and Ms. Tyson replied that they have, to comply with the 100 ft. minimum request.

Mr. O'Leary asked if they will also be there when the fencing is put up.

Ms. Tyson said the hay rack can also be put on the other side of the property.

Mr. O'Leary said his point was that the hay racks would have less effect on the artificial surface/activity would be less evident.

Ms. Tyson said they have always been on that surface.

Mr. Rossi stated that the hay racks will be moved/rotated around. He said he did not want a condition that they always be located in one specific area/the racks will be kept 100 ft. from the westerly property line.

Janet Meisels asked to address the Board. She commented that her neighbor's resistance to restrictions re fencing, etc. led her to believe that nothing will change; nothing has changed in 5 years. Mrs. Meisels said the original special permit was never complied with, and her neighbors would not come over to discuss conditions in the paddocks. Mrs. Meisels acknowledged Ms. Tyson's special way of keeping horses, but it is impacting her, for which reason steps need to be taken to prevent its being offensive. Mrs. Meisels said that despite talk of the recent severe winter, conditions on her neighbors' property have always been the same.

Mrs. Meisels said Mr. Rossi had said that his clients would not clear the land, but they did. It was her opinion that the all-weather footing being discussed is not a good substance. She remarked that Ms. Tyson's horses tear down the temporary electric fencing every time it is put up. Mrs. Meisels remarked that her neighbors have objected to having any restrictions at all, and she added that all the farms in the neighborhood have wood fencing. She stated that recently her horse jumped the fence/got out of its paddock and ran to the Tyson-Vosburgh fence, where Ms. Tyson's horses leaned over and bit her horse.

Chairman Ivanhoe said he felt the only remaining issue was whether or not the Board would require grass in the westerly paddock. He stated that as good neighbors, the applicants should maintain that area in grass; it is very visible from the Meisels' property, so it is important to deal with the issue.

Mr. Rossi stated that the substance in the westerly paddock has been described, and he added that his clients have tried to respect the property-line, and he listed again things his clients have done/proposed to do.

The Chairman said he agreed, but the viewshed is clearly an issue, and he described grass requirements in other special permits.

Mr. O'Leary stated that the applicants were present because their special permit expired and due to the condition of their property, so he did not think they should be so defensive about being asked to keep grass in the paddock.

Mr. Rossi stated that those were not reasons to agree to extra conditions.

Mr. Reilly said his clients don't have to agree with them, but the Board sets conditions.

Mr. Rossi said he meant that the Board does not need to resort to conditions that are not typical for a 4-horse farm where every effort has been made to accommodate the neighbors.

Chairman Ivanhoe said if the Board decides to include a condition about grass in the westerly paddock, it will have been triggered by past management of the property. He added that the resistance to this condition was causing him to lose confidence that the applicants will be able to maintain the area in grass/they don't seem sure.

Mr. Rossi stated that the Building Inspector can enforce the "no-dust" rule/the Town has recourse.

Mr. Reilly commented that conditions on special permits are to stop problems from occurring.

The Chairman said that if the property had not been in poor shape before, he would not be considering the grass condition now.

Ms. Tyson asked if the condition could be that maintenance of the westerly pasture be the same as the rest of her pastures, which are grass. She asked the Chairman to call the area a pasture and not a paddock; to her, a paddock is a much smaller confined area.

Mr. O'Leary objected to Ms. Tyson's suggestion re the condition and said he wanted it to state specifically that the area must be kept in grass. He said the Board had spent hours discussing the special permit application because of the poor condition of the subject property.

The Chairman said they would ask that the westerly pasture from the sacrifice paddock to the property line be maintained in grass.

Mrs. Meisels asked if the Chairman meant the entire westerly pasture except for the fenced sacrifice paddock, and he said he did.

Mr. Rossi agreed that grass will be maintained.

Ms. Meisels said allowing 18 months to get a Building Permit, which is good for a year, would mean nothing might change for another 2 and a half years. She said this was unacceptable and added that there is a problem with urine smell from the subject farm.

Mr. O'Leary asked what the applicants' intent is with regard to timing.

Mr. Rossi said they had planned to start in the fall, but will now have to wait until spring 2015.

Mr. O'Leary asked why they wouldn't start in the next couple of months.

Ms. Tyson stated that she needs to do other things; she said she had planned an earlier time for the project and the pre-fab shed-rows were ordered, but she has other obligations in the fall.

Mrs. Meisels was dissatisfied.

The Chairman assured her that all the conditions in the special permit will go into effect as soon as the permit is issued; the horses will continue to use the westerly side of the property until the new shed-row area to the east is built.

Mrs. Meisels said she objected to the smells and the way Ms. Tyson has kept her horses and also to Ms. Tyson being given 2 and a half years to make the changes to her property. She said pre-fab barns can be put up fairly quickly.

Mr. Reilly stated that conditions in the special permit will go into effect immediately; failure to keep to those conditions will be a violation.

The Chairman didn't understand why Ms. Tyson wouldn't want to begin the project right away. He asked Mrs. Meisels what she would recommend about the urine.

Mrs. Meisels stated that if the horses were put into stalls where they could urinate on saw dust, that's what they would do.

Chairman Ivanhoe and Ms. McKean disagreed/said horses don't always do that.

Ms. McKean said her horse goes outdoors to urinate.

Mrs. Meisels insisted that the urine odor from the subject property is terribly strong.

Ms. Douglas asked what Mrs. Meisels expected the applicants to do.

Mrs. Meisels said she would ask that the horses be kept in their stalls more or on the other side of the subject property/they are only turned out in the paddock along her property line.

Ms. Douglas said Mrs. Meisels' complaints seemed personal and, perhaps due to the recent incident when her horse was bitten, emotional. She stated that she had not been at the July meeting, but she read the meeting minutes. Ms. Douglas remarked that the Tyson-Vosburghs have said they will do things, and the Board cannot say that they won't do them. She stated that she understood Mrs. Meisels' disappointment that the applicants don't intend to begin the project until the spring, but special permits allow the time/the Board cannot make them start work immediately.

Chairman Ivanhoe asked Ms. Tyson to consider getting the fencing installed on the east side right away.

Ms. Tyson replied that clearing will be required, and she intends to get it done in the spring.

The Chairman said it is best to clear in the winter when the trees are dormant; between December and April is a good time.

Ms. Tyson said other areas also need to be cleared/it will have to be put off.

Mr. Rossi said there are many variables.

Mr. O'Leary asked if the sacrifice pasture will be fenced right away, and Ms. Tyson said she could do that.

Mr. O'Leary commented that otherwise, nothing on the proposed site plan will happen for a long time.

Ms. McKean asked if one of the shed-rows will be moved now, or not until the other work begins in the spring.

Ms. Tyson said it won't be moved yet.

Chairman Ivanhoe said the Board would want the sacrifice paddock fenced soon, adding that it will be better to have it to use in the winter. He asked if Ms. Tyson could get the job done in a month.

Ms. Tyson seemed not to want to commit to a specific date, but Mr. Reilly suggested giving her 45 days.

Mr. O'Leary expressed his exasperation with Ms. Tyson's lack of cooperation/resistance to starting the project on her property, not wanting to commit to even putting up some fencing around the sacrifice area. He asked what she will actually do.

Mr. Rossi said his clients intend to go ahead with the project, but they have other things they need to do now/they will do it when they're ready/apply for a building permit within the 18 months provided by the general special permit conditions in the Town Code.

The Chairman remarked that he thought it would be reasonable to ask that the sacrifice paddock fencing be installed now; it should only take a couple of days. He said he wanted a time commitment, because it is the most important part of the management plan.

Mr. Rossi conferred with Ms. Tyson, and then asked if they could say it will be done by November 15.

The Chairman agreed to that.

Mr. O'Leary asked that this not be some kind of temporary fencing.

Mr. Rossi said the fencing will be to Code standards, but his clients do not want to be required to have a certain kind of fence.

Mr. O'Leary commented that a permanent fence would be a good gesture on his client's part.

The Chairman stated that unless Ms. Tyson was uncomfortable with her plan (in which case she can take time to come up with a different plan and return to the Board), he would expect permanent fencing.

Mr. Rossi responded that his clients might want to change their minds about what kind of fencing they like in the future; they will install something sufficient/consistent with other fencing in Town.

The Chairman said fencing that is consistent with other fencing in town would be acceptable.

Mr. Rossi commented that the Meisels have electric fencing in an interior area on their property and asked if his clients were to be held to a different standard. He said fencing sufficient to isolate the horses will be employed.

Chairman Ivanhoe announced he would close the public hearing.

Mr. Meisels asked to speak again, but the Chairman said he would leave the public hearing closed.

Mr. Reilly suggested the Board litanize the conditions from what they have said. He asked the Chairman to explain what was agreed to about the pasture area from the to-be fenced sacrifice paddock to the western property line.

Chairman Ivanhoe stated that the fencing for the sacrifice paddock must be installed by November 15, and the pasture from there to the property line will be maintained with grass cover.

Mr. Reilly said the conditions agreed to in Mr. Rossi's August 6 letter would only be changed by removal of the word "if" in the third point listed at the bottom of page 1. He stated that the site plan submitted with the August 6 letter is what will be utilized. Mr. Reilly asked what about the conditions suggested/requested by Bruce Thompson.

The Chairman referred to Mr. Thompson's e-mail, and said points 1 and 2 were covered (sacrifice paddock to be fenced by November 15/other construction per the Ordinance; future easterly medical paddock on the plan); #3 has been agreed to (western pasture to be grass); #4 was fine (a stipulation that all fencing is on the applicants' own property/will be moved at their expense if it is found not to be); #5 was covered (no accumulation of manure to be permitted); #6 and #7 were fine and covered by the Zoning Ordinance (manure container details and dust/erosion to be corrected).

**Motion by:**            *Lisa Douglas*  
**Seconded by:**      *Cynthia McKean*

**Mr. O'Leary:**        **Aye**  
**Ms. McKean:**        **Aye**  
**Ms. Douglas:**        **Aye**  
**Chairman:**            **Aye**

***Special permit granted, as requested, with specific conditions per discussion and agreement.***

**PUBLIC HEARINGS:**

**BA14-28** Joyce Moscovitz (25 Wallace Road) – **Special Permit** – For the keeping of up to 2 horses for personal use per Article XIII Section 250-72.

**BA14-29** Joyce Moscovitz (25 Wallace Road) – **Area Variance** – To decrease the minimum front and combined side yard setbacks per Article V Section 250-15 and Article XIV Section 250-79 (A) (because the non-conforming lot is subject to R-2 bulk requirements). A front yard setback variance of 6 ft. (50 ft. required; 44 ft. proposed) and a combined side yard setback variance of 7 ft. (30 ft./75 ft. required; 28 ft./68 ft. proposed) are requested for construction of a 2-stall barn.

The Board discussed these 2 applications together.

David Barbuti, architect, was present with Joyce Moscovitz.

The Chairman was not sure the special permit application was necessary, given that the applicant only wishes to keep 2 horses.

The secretary explained that the Building Inspector requested the application because the lot is non-conforming/subject to lesser bulk requirements than those of the zoning district in which it is located and also so the Board may reduce the setback requirements for the barn to the residential requirement/lessening the variance request.

Chairman Ivanhoe still seemed to find the special permit application unnecessary, and he stated for the record that Ms. Moscovitz will not have to pay the application fee when she renews her special permit in 10 years.

Mr. Barbuti stated that an existing 28 ft. x 28 ft. barn on the subject property was constructed in 1982 and is deteriorating. He said his client would like to have a 2-stall barn with storage and tack areas; the one she wants is a pre-fab unit measuring 24 ft. x 36 ft. with a 12 ft. shed attachment. Mr. Barbuti said the changes to the property will be minimal; the paddock configuration on the property will remain the same, and the only other changes would be addition of 2 necessary retaining walls.

Chairman Ivanhoe asked if the plan includes a manure dumpster, and Mr. Barbuti replied that there is a 10-yd. container on the front side of the existing barn now.

Ms. Moscowitz explained that most of her property is in a DEP watershed, and the paddocks are in a wetland buffer area. She added that she has tried to keep up the barn, but it is too old now/she wants to get the new one before winter.

Location of the manure dumpster was discussed further, and Chairman Ivanhoe agreed to include a statement in the resolution that it may remain approximately where it is now.

There were no questions, and the Chairman closed the public hearing.

Mr. Reilly read a draft resolution of the area variance, noting the dumpster location and including a finding that the subject property's presence in the watershed limits available site for the barn and dumpster.

**Motion by:** *Richard O'Leary*  
**Seconded by:** *Cynthia McKean*

**Mr. O'Leary:** *Aye*  
**Ms. McKean:** *Aye*  
**Ms. Douglas:** *Aye*  
**Chairman:** *Aye*

***Area variance granted, as requested.***

Mr. Reilly read a draft resolution of the special permit, including a finding that the Board prefers that the applicant maintain a dumpster for manure, and the dumpster may remain approximately where it is.

**Motion by:** *Lisa Douglas*  
**Seconded by:** *Cynthia McKean*

**Mr. O'Leary:** *Aye*  
**Ms. McKean:** *Aye*  
**Ms. Douglas:** *Aye*  
**Chairman:** *Aye*

***Special permit granted, as requested.***

The meeting was adjourned at approximately 9:10 pm.

Respectfully submitted,

  
Janice Will, Recording Secretary