
Horse shelter, 37 Ballfield Rd - Permit #00696

Cynde Putney <cyndep@maine.rr.com>
To: Christina Stacey <cstacey@portlandmaine.gov>

Mon, Jun 19, 2017 at 12:18 PM

Good morning Chris,

I still need to get together with the owner for the written letter of permission, but wanted to respond to the rest of the questions to keep things moving.

First and foremost, the issue of the shoreland zone. I have attached a memo from Marge Schmuckal dated 6/19/14 which confirms the following pertinent points:

1) The property was granted a conditional use appeal in June 1988 for the raising of domestic animals. At this time the FARMLAND designation was applied to the property, and therefore the property is governed under the FARMLAND PROTECTION ACT.

2) It was not until four years later in December 1991 that the City Council adopted changes to the Shoreland Zone mapping that included freshwater wetlands delineation which now encompasses the property.

3) the zoning office has already confirmed via the attached memo that "Apparently the Farmland Protection Act also applies to and supersedes the Shoreland Zone regulations."

Therefore while placement of the portable structure can easily conform to the overall property line setbacks, I do not believe that the shoreland zone regulations apply in any way to this property based on the following:

1) The portable equine shelters are for the protection of the animals being raised on the property in full compliance with the conditional use appeal granted to Mr. Johnson in 1988. He has had horses on the property consistently throughout this entire time.

Regarding the side setbacks, I have located the side boundary markers and as you suggested they are somewhat different than the attached sketch with the side boundary being more easterly. Therefore more area is available in the paddock within the 20 foot setback than shown on the sketch you sent.

In the original packet of information in applying for the permit I included photographs of the shelter construction demonstrating metal skid framing (movable) and wood siding. Do you need additional photographs or do I need to resend what was originally submitted?

I am enclosing with this letter a copy of the photograph you sent upon which I have drawn the approximate easterly boundary, and with that combined with our current use of the leased property I have indicated the approximate area of the paddock that the shelter would be located in (and moved within as necessary for the protection of the horses). I will confirm that the shelter will be maintained in areas that are not closer than 30 feet to a front or rear property line nor closer than 20 feet from a side property line.

I have enclosed the above memo from the zoning department for reference, the roughly adjusted paddock area based on guesstimate of the side boundary, and will forward a letter of approval from the owner of the property within the next couple days. Please advise on any other information you need.

Thank you for your help.

Cynde