

Cynde Grace Putney

05/05/17

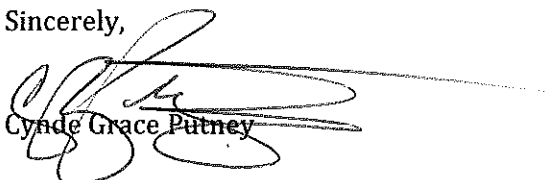
Ann Machado
Zoning Administrator
City of Portland Maine

RE: Permit Application

I rent property from Thomas Covington Johnson on Peaks Island as paddock area for my horses. The location is 37 Ball Field Road on Peaks Island, lot 088-J-003. I am applying for a permit for a completely mobile three-sided horse shelter. The lot is in the I-R1 zone, but the property is also designated as Farm Land. The structure is built on metal skids and is fully portable. I submitted this application via email on 4/18/17 when the permit office rejected my application without speaking to your office. On 5/4/17 I received an email response from Christina Stacey who said she would advise the permitting office to accept my application for the formal review process. Of note, there are two of us who rent space from Mr. Johnson that have permits in the works for the same type of project, a mobile three sided shelter for our horses. Leslie Tuttle is the other applicant. Being able to provide adequate shelter for our horses is not just a wish, it is required by law under the Animal Welfare Act 7§4015. Proper shelter, protection from the weather and humanely clean conditions (see attached statute with specific reference to equines)

- 1) The structure is a detached one story structure, less than 600 sq feet without habitable space.
 - a. The structure is a 12 x 24 foot three-sided shelter. It is built on metal skids with wooden siding and metal roof. The height is 10' 6". See the attached picture.
- 2) Regarding Set Backs and shoreland zone: The area that I rent is adjacent to his existing barn/apartment building at 37 Ball Field Road. I also rent the barn portion of the building. The paddock I use is to the east of the barn, adjacent to the driveway into the property which I presume is what is listed as Vermont Ave on the map. This portion of the property where the paddock is located is not on the shoreland zone map that I was able to print. See the attached map sketch.
 - a. I have enlarged the section of the map I was able to print, and sketched in the existing barn/apartment structure. On the enlargement I have also sketched in the approximate location of the shelter showing it in the paddock area which is not in the shoreland zone. It is however a portable structure and while the location noted would be where I would like it to begin, it is not a permanent location.
 - b. Although not a permanent location, being placed on the northern end of lot 088-J-003 it would be well within the setbacks from the side and street, Mr. Johnson also owns the rear adjacent lot 088-J-002 so that setback is also well within compliance.
- 3) Historical use: This property has been used for horses for over 30 years, and the designation as farm land was also received many years ago. It is my understanding this was long before the Shoreland mapping was done and regulations applied on Peaks Island.

Sincerely,



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7§4015. Proper shelter, protection from the weather and humanely clean conditions

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter, protection from the weather and humanely clean conditions as prescribed in this section.

1. Indoor standards. Minimum indoor standards of shelter shall be as follows.

A. The ambient temperature shall be compatible with the health of the animal.

B. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.

2. Outdoor standards. Minimum outdoor standards of shelter are as follows.

A. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means must be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine livestock.

B. Except as provided in subsections 5, 5-A and 6, shelter from inclement weather must be as follows.

(1) An artificial shelter, with a minimum of 3 sides and a waterproof roof, appropriate to the local climatic conditions and for the species and breed of the animal must be provided as necessary for the health of the animal.

(2) If a dog is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog, a shelter must be provided in accordance with subsection 6, paragraph A to accommodate the dog and protect it from the weather and, in particular, from severe cold. Inadequate shelter may be indicated by the shivering of the dog due to cold weather for a continuous period of 10 minutes or by symptoms of frostbite or hypothermia. A metal barrel is not adequate shelter for a dog.

3. Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include the following.

A. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.

B. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.

4. Humanely clean conditions. Minimum standards of sanitation necessary to provide humanely clean conditions for both indoor and outdoor enclosures shall include periodic cleanings to remove excretions and other waste materials, dirt and trash to minimize health hazards.

5. Livestock. Livestock must be provided with shelter suitable for the health of the animal. Except as provided in subsection 5-A, livestock must have access to a constructed or natural shelter that is large enough to accommodate all livestock comfortably at one time. The shelter should be well drained and protect the livestock from direct sun, rain, wind and other inclement weather. Notwithstanding this subsection, shelter for equines must be provided in accordance with subsection 2, paragraph B, subparagraph (1). For purposes of this subsection, "livestock" includes large game as defined in section 1341, subsection 5 kept at a licensed commercial large game shooting area as defined in section 1341, subsection 1.

5-A. Livestock maintained under a rotational grazing system.

Notwithstanding subsection 5, a person is not required to provide shelter for livestock while the animals are maintained under a rotational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition. For the purposes of this subsection, "rotational grazing system" means the practice of dividing up available pasture into multiple smaller areas during grazing season when pasture is available to meet the dietary requirements of the animals and subsequently moving the animals from one area to another after a number of days or weeks as determined by forage production and quality.

6. Dogs confined by tethering for long time periods. In addition to the requirements of subsection 2, paragraph B, subparagraph (2), when tethering is the primary means of confinement for a dog, the standards for shelter and tethering are as follows:

A. A shelter must be provided that is fully enclosed except for a portal. The portal must be of a sufficient size to allow the dog unimpeded passage into and out of the structure. For dogs other than arctic breeds, the portal must be constructed with a baffle or other means of keeping wind and precipitation out of the interior. The shelter must be constructed of materials with a thermal resistance factor of 0.9 or greater and must contain clean bedding material sufficient to retain the dog's normal body heat; and

B. The chain or tether must be attached to both the dog and the anchor using swivels or similar devices that prevent the chain or tether from becoming entangled or twisted. The chain or tether must be attached to a well-fitted collar or harness on the dog. For dogs other than dogs kept as sled dogs or dogs used in competition, the chain or tether must be at least 5 times the length of the dog measured from the tip of its nose to the base of its tail. For dogs kept as sled dogs or dogs used in competition, the chain or tether must be: