

There was a meeting of the Board of Adjustment on Tuesday, July 18, 1978 at the Town Hall at 7:30 P.M. to hear the petition of Shaun Hickey (Case No. 41) to be allowed to raise animals (mink) on his property off Gregg Lake Road.

The roll call was as follows:	A. George McLean, Chairman	- Present
	Eugene Bried, Vice Chairman	- Present
	Carole Webber	- Present
	Patricia Thomas	- Present
	Robert B. Flanders	- Present
	James Dennison, Alternate	- Present
	Catherine C. T. Dik, Alternate & Clerk	- Present

Also present were Benjamin Pratt, Mr. and Mrs. Roy Evarts, Miss Pauline Whitney, Mr. and Mrs. Peter Merrifield, Lloyd Henderson, Emery S. Doane, Miss Gladys Newhall, Mike Durfor (Selectman from Marlow), Anita Mooney, Althea Nastasi, Mark Skinner, Shaun Hickey, Mrs. Catherine Hickey, Thomas Hickey and Mr. Thomas Hickey, Sr.

The meeting was called to order at 7:30 P.M. and the Board retired to executive session to discuss the matter of three questions on the application. Mr. Dennison felt that the instructions clearly stated that only one could be brought up at a hearing. If this is permitted then why shouldn't everyone? Mr. Henderson, Town Counsel, explained that in this case there was an appeal from an administrative decision (the denial of a building permit by the Selectmen). To have a pelt ranch one must be granted a special exception under certain conditions. Because this applicant cannot meet the certain conditions he also is applying for a variance. These situations do not necessarily pertain to all cases.

Mrs. Thomas announced that as she works in Mr. Falby's office and Mr. Hickey had been there for consultation, in spite of not having seen any correspondence or heard any discussion, she would prefer just to sit in and not vote this evening. Mr. Dennison was designated to fill her place.

At 7:45 P.M. the Board called the open hearing to order and the Chairman announced that Mr. Bried, Mr. Flanders, Mrs. Webber, Mr. Dennison

and himself would serve on the Board, with Mrs. Dik as Clerk. He then outlined the order of procedure, and the Clerk read the petition, correspondence from the Selectmen to Mr. Hickey dated May 16, 1978 and June 13, 1978 a letter from the Planning Board, finding the site not suitable for such use (Mr. Merrifield, a member of the Planning Board and an abutter, requested that it be put on record that he did not partake in the Planning Board's decision), letters from Mr. and Mrs. Carlow and Mr. and Mrs. Hilton in favor of the application, and a letter from Dr. Donald B. Fritz D.V.M. stating his opinion that no health problem would exist as a result of a properly managed mink ranch on the premises of Shaun Hickey in Antrim. All correspondence has been placed on file.

Mr. Hickey was then called on to present his case. He wished to point out that he not only has had mink on his parents' piece of land, but also ducks, geese, pheasants, quail, sheep, goats. He asked for a definition of a pelt ranch, and the Chairman said the Board would come up with an answer. Mink are there and have been there since 1971. As he understands it he can have animals on his property, but not mink. The mink are confined in individual wire pens as are all other animals-- either in pens or fenced. Mink make no noise. The first pen on his parents' land could be seen by all abutters; the two pens that he wishes to erect can be seen by the Farrars and his parents but by no one else. They are all now on the 5.2 acres. Mrs. Webber asked if he did any skinning, and he replied that he has sold live and done some skinning. Mr. Flanders asked if he agreed with the statement that he has 175 mink, and he replied no, more right now, about 1000 to 1200; the 175 is breeding stock. He will sell probably all but 300. He explained that one maintains breeding stock through the winter, raises the young in the spring and summer, and in the fall sells and cuts back to the breeding stock for the winter. It is a seasonal operation. He said he would like to keep a breeding stock of 400 which would produce about 1500 young.

He is using about two acres of his land; the rest is rocks and stumps. His parents' land is a little less than one acre. Mr. Dennison asked what purpose he mentioned on his building permit. He stated on the first one, which was granted, "animal shelter, storage shed, equipment". He admitted that he had been negligent in not applying for a building permit for the two new ones.

Those who were in favor were then asked to speak. They were as follows:

Althea Nastasi
 Pauline Whitney
 Thomas Hickey, Jr., part owner
 Benjamin Pratt
 Catherine A. Hickey
 Thomas Hickey, Sr.
 Mark Skinner

Mr. Merrifield, an abutter, said he personally was not opposed to what Shaun is doing. He admired his courage to go ahead and create something out of nothing. His prime concern is that we have a Zoning Ordinance that has twice been updated. There are copies available at the Town Hall and officials eager to advise. He is afraid this is a case of someone not giving him the straight story to come in and find out about these things. When someone goes ahead without the proper permits, whether he likes zoning or not, he is violating the law. On questioning, Mr. Merrifield said he had not noticed any odor, but had noticed noise of birds clucking and the like.

Mr. Evarts said he was not opposed if there are restrictions to keep the operation on this young man's land as far away as possible from his land. He does not want it on his line.

Mr. Bried's questioning brought out that Mr. Hickey had mink on his parents' property in 1971--around 800. He was going pretty strong until the market fell out. He has brought it back and wants to go further. Mr. Hickey pointed out that the operation on his parents' land predated zoning, therefore the "grandfather clause" pertained there.

In answer to Mrs. Webber's questions Mr. Hickey said he feeds dry feed mixed with frozen fresh chicken which comes from Canada. The droppings are

cleaned up once or twice a week, spread on his own land or given to a neighbor, Mr. Smith, for his garden. If an animal escapes while being handled he chases and catches it--it is too valuable to abandon. The mink are vaccinated twice a year for distemper and intoxication. He holds a propagation license from the State, a Federal license pertaining to Canadian geese, and a State license for ring necked pheasants and raccoons. Mink are considered domesticated animals because they have been raised in captivity for thirty years.

Questioned whether it would make a difference to him if pelting was not allowed on his property Mr. Hickey said he would like to be able to do so but it would not shut down his operation. He both pelts and ships live mostly within the State. Mr. Flanders asked if he could give percentages of his operation between mink, pheasants, goats and other stock. Approximate percentages were given as 40% mink, 30% pheasant, and 30% goats and other stock.

Mr. Pratt said that he has been quite troubled since the beginning of zoning that he would run into just such a situation as we have tonight. His concern is that it is fully as important that the ordinance be interpreted so that it gives the protection it is meant to but at the same time does not erect barriers to initiative and hard work. It is important that the town find a middle ground. If we want an attractive town that can only be had by zoning. But if an operation like this, as well run as this is, is deemed outside what Antrim legislation considers proper or correct I think it is unfortunate, and I think the town will have made a bad mistake.

The Chairman's summary emphasized that we need to define a pelt ranch. There is no question about Mr. Hickey's abilities to run a clean operation. The objections are with our zoning and changing a use in a district.

Mr. Bried commented that we do not write the zoning ordinance; we

merely carry it out.

As there were no further questions the hearing was closed at 8 :35 P.M.

The Board then met in executive session and before discussing the case before them it approved the minutes of the last meeting and brought to a vote for the second time the matter of discontinuing the publication in the Peterborough Transcript the notice of decision. Mr. Bried

MOVED: That we do not publish notice of decision in the Transcript any more.

SECONDED: By Mr. McLean

VOTED: In favor: Eugene Bried
Robert B. Flanders
A. George McLean
James Dennison
Carole Webber

In opposition: None

The Clerk was instructed to request Mrs. Elia, when she received the notice of decision for the Selectmen, to include the notice in her report to the Peterborough radio station.

Mr. Henderson was then asked to give the Board a definition of a pelt ranch. He said he had found no definition in his researches but had found confirmation of what he already suspected that pelt ranches have been distinguished from farming uses in general. A simple definition is "the raising of animals for their skins." Mr. Flanders remarked, "If he sells alive or dead, they are being raised for skins. Therefore, it is a pelt ranch." Mrs. Thomas remarked that he still can go back to his mother's land to raise and skin; the "grandfather clause" (a pre-existing non-conforming use) pertains there, even if he moved across the road to the new property in May 1978.

There was general agreement among the Board members that Mr. Hickey had been very honest with them in presenting his case.

The Board took up Mr. Hickey's appeal to an administrative decision of the Selectmen. Mr. Dennison felt that the decision by the Selectmen

was right. It is indeed a pelt ranch which is expressly forbidden in the zoning ordinance except under specific conditions. Mr. Flanders agreed that Mr. Hickey indeed has a pelt ranch and upheld the Selectmen's decision. Mr. McLean agreed also that there is a pelt ranch and the Selectmen made the right decision. Mr. Bried felt that the Selectmen did the right thing and so upheld the decision. Mrs. Webber questioned how the Selectmen could grant in 1977 permission for one building and then deny in 1978 two more. It was pointed out that the first was on his mother's land where pelting had gone on since 1971. Mr. Flanders

MOVED: To uphold the administrative decision of the Board of Selectmen of May 16, 1978 in relation to Article V, Section C, 1.

SECONDED: By Mr. Dennison

VOTED: In favor: Eugene Bried
Robert B. Flanders
A. George McLean
James Dennison

In opposition: Carole Webber

The second request for a special exception was then considered. The Board was in general agreement with Mr. Flanders that Mr. Hickey does not qualify because he cannot fulfill the requirements of one-half mile from another district and that pens be 1000 feet from any lot line. Therefore, Mr. Flanders

MOVED: That the special exception not be granted as provided in Article V, Section C,2,a of the Zoning Ordinance.

SECONDED: By Mr. Bried

VOTED: In favor: Eugene Bried
Robert B. Flanders
A. George McLean
James Dennison
Carole Webber

In opposition: None

In discussing the request for a variance under Article V, Section C,2,a, on consultation with Mr. Henderson, it was agreed that the Board cannot grant a variance on a special exception requirement but can on Article V,

Section C,1,a (no pelt ranch). Mr. Flanders felt that there was a hardship caused by the topography of the land (only two plus or minus acres are usable because of rocks and stumps). It seemed to him better to grant a pelt ranch on that back land where it would be seen by only two abutters who have no objections than to have it moved back to the less than one acre of his mother's land where the Board could have nothing to say about it. He felt that some restriction should be placed on the new location.

Mrs. Webber asked if it would make any difference if the operation was considered a breeding ranch where no pelting took place, but the accepted definition of a pelt ranch (the raising of animals for their skins) made that interpretation impossible. Mr. Dennison and Mr. McLean opposed the change of use because it is essentially against the intent of the ordinance.

Mr. Flanders

'MOVED: That the variance be granted to the terms of Article v, Section C,1,a with the understanding that the applicant complete two buildings 12' x 135' and that after this completion the buildings will not be moved closer to any lot line.

SECONDED: By Mr. Bried

VOTED: In favor: Eugene Bried
Robert B. Flanders
Carole Webber

In opposition: A. George McLean
James Dennison

The Board returned to open session to take the votes in public.

The meeting was adjourned by unanimous consent at 10:30 P.M.

Respectfully submitted,

Catherine C. T. Dik

Catherine C. T. Dik, Clerk