

DATE: January 21, 2011
TIME: 12:00 P.M.
PLACE: Selectmen's Meeting Room
FOR: Special Meeting to discuss Zoning Articles
PRESENT: Donald Goranson, Chairman; Jonathan Hankin; Suzanne Fowle Schroeder;
Jack Musgrove via telephone
Chris Rembold, Town Planner

Mr. Goranson called the meeting to order at 12:14 P.M. Mr. Musgrove was on the speaker phone.

ZONING ISSUES FOR ANNUAL TOWN MEETING:

Mr. Rembold prepared a draft of the zoning revisions dated January 19, 2011. He went through the draft by first confirming the completion of critical issues, B-3 Mixed use Zone, Home Occupations, and Rear Lots. The revisions were discussed at previous meetings and the Board agreed that these revisions were complete.

The Board agreed that the recommended items for General Services and Personal Services, Landscaping, and Site Plan review were also complete.

The Board began their discussion with chickens. Mr. Musgrove began by saying that property consisting of two or more acres could have chickens by right, no roosters would be allowed. Property with less than two acres could apply for a special permit for up to 6 chickens, no roosters. This would be in all zones.

Mr. Hankin said he didn't agree with the direction of the discussion. He said there would be too many hurdles to have chickens. The Building Inspector has allowed chickens as a customary accessory use. For 250 years raising chickens has been a customary use in this community. Mr. Hankin said he does not like the idea of requiring people to have to go through a special permit process to have chickens.

Mr. Musgrove agreed that Mr. Hankin had legitimate objections.

Mr. Hankin said we should be working toward getting government out of our lives. People should be able to work between themselves to agree or disagree on allowing chickens.

Ms. Schroeder asked if there was information on how many people who have applied to the Building Inspector for chickens live on less than two acres of land.

Mr. Rembold said he didn't think that information had been obtained.

Mr. Goranson asked why the Board was dealing with this matter. He said he did not agree with Mr. Hankin but he didn't understand why it was before the Board.

Mr. Rembold said it is an attempt to clarify if chickens are allowed or not. He said the Board of Health Agent and Building Inspector do consider having chickens customary so they allow them. It is being addressed in an attempt to clarify but the Board doesn't have to deal with the issue.

John McGruer from Grove Street was present. He said in the past it has been confusing as to what customary means. He said when he was dealing with a neighbor who had chickens, Town Counsel weighed in using the language "common place". Mr. McGruer said that in order for something to be common place it would require that a number of people in a neighborhood have chickens. If only one household has chickens that would not be common place.

Mr. Goranson said that the State has determined that keeping of chickens can be considered an agricultural use if the property owner makes \$1,000.00 or more from the chickens. He said he does not think that keeping chickens is either customary or incidental. Mr. Goranson said he thinks chickens are intrusive and not everyone should be allowed to have them.

Jane McGruer asked that if people with less than two acres are allowed to have chickens they should be required to keep them contained and not allow them to roam loose. She said roosters are not the only noise makers. She said the chickens squawk. When they roam loose and they are 10 feet from a neighbor's house they are bothersome.

Mr. McGruer said it is not fair to shift the burden to a neighbor, we had to go to the expense of putting up a fence to keep the chickens off our property.

Mr. Goranson said he would only go along with option five of Mr. Rembold's draft.

Mr. Hankin said he is adamantly opposed and suggested tabling the issue.

Mr. Hankin made a motion not to bring up the chicken issue at the annual Town Meeting and drop the issue from the warrant, Ms. Schroeder seconded, all in favor.

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The Board continued their discussion with fences. Mr. Hankin referred to Mr. Rembold's draft saying that one size fits all zoning is not good. He suggested adding a third option to allow the Planning Board to modify the requirements for fences through site plan review.

Mr. Musgrove agreed with Mr. Hankin that there are situations where a waiver should be permitted.

Mr. Hankin said the Planning Board would be required to determine that allowing a waiver for a fence would not be detrimental to the neighborhood.

Mr. Rembold will add the language and present the draft at the next meeting.

There was brief discussion of Accessory Dwelling Units. Mr. Rembold will go over the language to reaffirm it and present a final draft at the next meeting.

The Board briefly discussed the definition of kennels as presented in the Mr. Rembold's draft. Mr. Rembold would rework the language and bring to the next meeting.

Mr. Hankin made a motion to adjourn, Ms. Schroeder seconded, all in favor. The meeting was adjourned at 1:35 P.M.

Respectfully submitted,

Kimberly L. Shaw
Planning Board Secretary

