

ZONING BOARD OF ADJUSTMENT
268B MAMMOTH ROAD
LONDONDERRY, NH 03053

DATE: JULY 16, 2014

CASE NO.: 7/16/2014-4

APPLICANTS: BALLINGER PROPERTIES
FIVE-N-ASSOC. GENERAL PARTNERSHIP
20 TRAFALGAR SQUARE, SUITE 602
NASHUA, NH 03063

TANA PROPERTIES LTD. PARTNERSHIP
40 TEMPLE STREET
NASHUA, NH 03060

LOCATIONS: 68 REAR HARVEY ROAD, 14-34, GB; 68 REAR LITCHFIELD ROAD, 14-35, GB
AND AR-I; 68 REAR HARVEY ROAD, 14-36, GB; 68 REAR HARVEY ROAD,
14-38, GB; 51 PETTENGILL ROAD, 14-45, GB; AND 65 PETTENGILL ROAD,
28-17, GB

BOARD MEMBERS PRESENT: NEIL DUNN, ACTING CHAIR
JIM TIRABASSI, VOTING MEMBER
JACQUELINE BENARD, VOTING MEMBER
ANNETTE STOLLER, VOTING ALTERNATE
DAVID PAQUETTE, CLERK

REQUEST: VARIANCE TO ALLOW THE KEEPING OF LIVESTOCK IN THE GATEWAY
BUSINESS DISTRICT WHERE OTHERWISE NOT LISTED AS A PERMITTED USE
PER SECTION 2.7.2.1.

PRESENTATION: Case No. 7/16/2014-4 was read into the record with one previous case listed for Map and
Lot 14-45.

NEIL DUNN: Who will be presenting?

AMY MANZELLI: I will. I was just making note of that prior case. Good evening, members of the Board. My name is Amy Manzelli from the law firm of BCM Environmental Land Law. Here with me is Steve Normanton from Normanton Farms, LLC, which is our client, the authorizer representative for the owners of the lot. Normanton Farms leases these lots for the purpose of pasturing a cow. So the lots in questions so thank you for the list and the address listing I won't repeat the list but I do want to point out in the application package there should have been a map that depicts these lots in sort of a magenta color as Attorney Hollis was mentioning I do think that the picture is very helpful so I want to point that out for your reference. I'm going to mostly walk through my letter dated June 17, 2014 which enclosed the application first with an overview of

46 what's happening with these lots and then going into the law especially this case is about the local food
47 movement and New Hampshire actually leading the way in the nation in the growing of small scale agricultural
48 projects. Normanton Farm, LLC fits right in that with an expanding operation which resulted in temporary
49 need to pasture cattle on these lots. I do want to note the need is temporary the need will go through
50 December the end of December 2016. We talked about the section of the variance from which relief is
51 requested essentially agriculture is not allowed by permitted right in the Gateway Business District. It is
52 allowed permitted by right in the residential district which is included in part of this area, and I wanted to start
53 out by pointing that out. So as some of you may be familiar with the classification on the lots the
54 Southernmost corner lot here on this map is lot 14-35, and I got a little note there formerly known as 14-37,
55 and 14-37 is the bottom portion of what is now as 14-35, and that bottom portion is zone residential so for
56 that portion of these lease premises agriculture will be permitted by right and that's an important point for
57 tonight's presentation. Another thing I want to mention is through the lease terms the owners of the property
58 retain the right to terminate the leases and sally forth with what is the ultimate fate of these lots which is
59 some of the commercial and industrial developments we've heard about here tonight which is such at Milton
60 CAT and other such uses that these areas are ultimately designed to house, but again as we talked about
61 tonight as you've heard about tonight I haven't talked about it you know there's no frontage yet the Pettengill
62 Road issues being laid out so many of these lots are uniquely situated because they are large undeveloped no
63 frontage lots essentially no being used right now so because of this agricultural need temporary agricultural
64 need and because of the land owners desire to support local agriculture that's how cows to be pastured on
65 this land that is otherwise not being put to good productive use right now at all. It was brought to our
66 attention that agriculture is not allowed on these lots and with that realization we have presented the
67 variance application as recommended or not recommended excuse me as stated was possible in the letter you
68 received advising us that agricultural not permitted by right in the Gateway Business District. I do want to say
69 that that letter requested that cow no longer be pastured by July 6th, 2014. I promised you in my letter that
70 the cattle will be removed by then that I am sorry to say that they weren't, but they were removed first thing
71 in the morning on July 7th, so for the record the cattle are no longer on the properties and we can very very
72 close to meeting that July 6th deadline. Alright, let me tell you a little bit about Normanton Farms, LLC so you
73 have a sense of what this operation is. Normanton Farms, LLC is a successful diversified farm so we are talking
74 about livestock and vegetable. The farm is centered in Litchfield that's where they have their vegetables,
75 organic vegetables, pigs, chickens, and sheep. They have these fold interests in many of the surrounding
76 towns including here in Londonderry, and that's where they pasture their cattle. The long-term plan of the
77 farm is to secure more permanent land tenure for pasturing cattle perhaps for other farming expansion
78 purposes. They want to have more pigs, they want to have more acreage and vegetables, but right now they
79 don't have that secure land tenure, so work in progress. The way the Normanton Farms raises animals I think
80 is important for your consideration tonight they use two standards. One is animal welfare approved that
81 relates to how the animals are handled and it's a non-governmental approval so this is a non-profit
82 organization as it has a rigorous set of standards that guide how the animals are to be handled. The other
83 standard is the organic standard. The national organic program is a governmental program that is a federal
84 scheme that sets out the products that can be used and essentially they can prevent any synthetic fertilizers,
85 pesticides, feeds, etc., from being used in the recent livestock. Now the cornerstone of how Normanton
86 Farms, LLC operates is stewardship of the land it's a huge part of their farming philosophy and for raising
87 livestock stewardship of the land mostly means soil conservation which improves water quality. I'm not going
88 to go into all of the details here but it's laid out in my letter essentially pasturing livestock is one of the best
89 ways to build soil quality. It increases the soil organic matter that intern increases the amount of moisture

90 when it rains like when it rains like today and yesterday and the day before. That soil can hold that water
91 better and then that intern grows better pasture it's better forage for the animals when they come and eat
92 and they again – it's a cycle that repeats and repeats, and this is something that will be of lasting benefit when
93 these properties are built out commercially you know all of the plans that you are presented with tonight
94 might have a portion of open space that's going to be grassed over or maybe they'll be some native low bush
95 blueberries or some vegetation is going to be there. In so with a healthy/healthier than it is now topsoil in
96 place that's going to be a lasting benefit for the eventual commercial build out of these properties. I have a
97 couple pictures to show you tonight. Steve if you want to just turn that around, I have a copy [indistinct].
98 Basically this is to just give you a sense of what you'd be looking at on the ground if the cattle were allowed to
99 come back to these lots. These are cattle that are a year old. They are pasturing, eating, doing what cows do.
100 These are about 54 you said animals in this picture so you can get a sense of scale. The second picture here
101 shows watering and mineral what's the mineral feeder for the cattle and this shows forage this lush forage
102 here this is next to a sand pit that has been planted and ready for the cows to forage on. These two pictures
103 are meant to show there is no permanent infrastructure here this is a temporary use they come in, they
104 pasture it's rotational grazing so when it's done they move on to the next pasture which are those other
105 leasehold interests that I mentioned. This is to give you a sense of what it looks like on the ground. Alright, I
106 forgot to mention that I welcome questions along the way, but I'm ready to jump in to the law. The variance
107 will not be contrary to the public interest. I've written here as this fitting for Londonderry rich agricultural
108 heritage and when I wrote that I didn't know that this is what your room looked like, but it's all over the walls
109 here. Agriculture is permitted by right in many areas of Londonderry including the adjacent
110 agricultural/residential district and the nearby multi-family residential district. The parcels in this application
111 are primarily large, undeveloped lots with no frontage and there just waiting there for optimum conditions for
112 the commercial build out that I mentioned you know that we all know is the ultimate destiny hopefully of this
113 area including largely roads so that these lots have frontage. As I mentioned in the meantime there is a desire
114 of the owner and the farm to make a productive use of this land. Pasturing cattle on these parcels on a
115 rotational basis is an ideal use. It helps strengthen the resurgence of small scale agriculture that New
116 Hampshire is experiencing. It's not the intention of Normanton Farms to pastoralize livestock on these parcels
117 for the long term, so temporarily permitting the pasturing of these parcels will increase the amount of local
118 health beef options for consumers in the area. In fact, many residence in the area are in surrounds are
119 customers of Normanton Farms some of them I believe you'll be hearing from tonight because they had the
120 stamina to stick with us all night long which we are very grateful for so this is not something that is contrary to
121 the public interest. There's nothing about the objectives of these zoning scheme in Londonderry that are
122 being violated by temporary allowing pasturing to continue on these parcels. Number two (2), the spirit of the
123 ordinance is observed as I noted agriculture is permitted in locations throughout Londonderry if you flip
124 through the pages of the comprehensive plan adopted in 2013, it general supports agriculture and importantly
125 as I mentioned those lease provisions between the lease provisions which would allow Steve to get kicked off
126 in ninety (90) days if it came to that and the temporary relief of the nature we are requesting this doesn't
127 interfere at all with the commercial build out that has been designed in this area so the spirit of the ordinance
128 is observed. Substantial justice is done. This is why I mentioned earlier that agriculture is permitted by right in
129 some of the surrounding residential zone. It is not, it is unjust to permit pasturing of livestock on two (2) acre
130 residential lots for an indefinite period of time while not permitting the temporary pasturing of livestock on
131 these nearby larger undeveloped lots which aren't being used for anything else right now. The general public
132 does not gain if you were to not allow this variance, so accordingly it is substantial justice to grant the
133 temporary variance. Number four (4) the value of surrounding properties is are not diminished the bulk of the

134 surrounding properties are also large undeveloped lots also in the Gateway Business district. This is most in
135 Northeast and West. Typically because of the relatively large sizes of these parcels compared to the relatively
136 small number head of cattle one would likely not even know by standing on the edge of these parcels that
137 cattle were being pastured there. This is a very large area. This is also true for the residences who are to the
138 South there are as you can see three (3) streets that feed towards the Southernmost portion of these parcels.
139 There's a healthy stand of forest there and currently cattle are not pastured in that zone to the bottom
140 whereby right they could be because it's zoned residential that allows agriculture. The fence for the cattle is a
141 least 200 feet from the closest of those residences to the South. Additionally, horses and cattle are kept in
142 some of those adjacent and Southerly parcels so granting the temporary variance will not diminish the value
143 of the surrounding properties. Hardship number (5), looking at the first part of A – no fair and substantial
144 relationship – there is no fair and substantial relationship between the restriction of agriculture on these
145 properties primarily because of the rationale that we heard in an application that we heard earlier tonight.
146 The uses that are permitted by right these properties could be and will likely will be much more intense than
147 rotational pasturing of cattle on a temporary basis. These uses that are permitted by right might include more
148 traffic, more odors, more noise, more light that what I mean by more intense and some uses that are allowed
149 here by right are heavy manufacturing, light manufacturing, conference centers, training facilities, packing
150 operations, automotive repair, daycare, or health clubs, so there's no fair and substantial relationship
151 between allowing those type of uses by right and not allowing temporary of pasturing of livestock on these
152 parcels, and then finally the proposed use is a reasonable one. As noted, it's the desire of the person leasing
153 the land, and the person using the land as a farmer to make a productive use to put this land to sustainable
154 use to foster you know local production of healthy beef is a reasonable use under the standards that you need
155 to evaluate tonight. The letter addresses Paragraph B – Section B if you do not find Section A if you do not
156 find that Section A is satisfied. Let me just double check my notes here – that's all we have at this point, we
157 welcome your questions. I really appreciate that you took the time to go all the way through your entire
158 agenda tonight. I know that's it's unusual for a Board to go this late and we really appreciate you no bumping
159 us to the next meeting, so with that, let me say thank you for your time and consideration and I look forward
160 to your questions.

161
162 ANNETTE STOLLER: Am I correct in assuming there may be other animals as well as the cows?

163
164 AMY MANZELLI: Let me defer to Steve, but my understanding is no.

165
166 STEVE NORMANTON: No, there's no intention of the livestock up there just the beef cattle.

167
168 JACKIE BENARD: How many cattle are there at any one time? What's the least amount, and what's the
169 greatest amount you'd have?

170
171 STEVE NORMANTON: The least amount is zero (0) because if move the cattle around, and the you know for
172 periods of time, and then there can be as many as about one hundred fifty (150) head just depending on what
173 feed availability is like at that point.

174
175 JACKIE BENARD: Ok.

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177 NEIL DUNN: Is any of the existing easement for the wildlife corridor going through any of this property?

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AMY MANZELLI: I don't know the answer to that. I'm sorry, I wondering do you know the answer to that?

RICHARD CANUEL: I'm not sure if it does either because....

AMY MANZELLI: Yeah.

NEIL DUNN: Because I'm not seeing it, but that doesn't mean...

DAVE PAQUETTE: It's on the map here if you look down further in this document there was a map and I did look at that earlier.

AMY MANZELLI: Mr. Chair, if it's acceptable, we do have an expert in the room who can show us where that is.

UNIDENTIFIED EXPERT FOR THE APPLICANT: It goes right through here.

AMY MANZELLI: Okay.

SAME UNIDENTIFIED EXPERT FOR THE APPLICANT: Almost on that property line.

AMY MANZELLI: Okay.

[Overlapping Comments]

AMY MANZELLI: So the horse trail brook, are you familiar where that is located?

NEIL DUNN: No I'm not.

AMY MANZELLI: It's um okay.

NEIL DUNN: I haven't walked up in there much.

AMY MANZELLI: So what we're talking about is the Southernmost lot, lot 14-35 along the bottom third (1/3) of that running east to west is approximately where Mr. Nash has located the wildlife corridor.

NEIL DUNN: And so there would be grazing in there?

STEVE NORMANTON: No there wouldn't be. By following the standards that I do, I do things that livestock out of you know running water for numerous reasons, but mainly to just keep the quality of the water intact, but saying that the way the fences are designed that are put up are very wildlife friendly, and the fences are really pretty temporary of nature, no concrete is used, no...

221 AMY MANZELLI: You can see some of the fencing. If I may just clarify, you can see some of the fencing in
222 these photos. It is not like a stockade type, etc.

223
224 NEIL DUNN: I go by there, and I've seen you all year, and I didn't even occur to me. I thought it was great
225 seeing him up there, but my bigger concern is, I'm not sure that that wildlife easement is all about water is it
226 Richard? Isn't part of it about the spotted something or other?

227
228 RICHARD CANUEL: It's more of less a travel corridor, if you will.

229
230 NEIL DUNN: Yeah, um.

231
232 AMY MANZELLI: Mr. Chair, we would welcome a condition that the pasturing of the cattle be excluded from
233 the wildlife corridor.

234
235 NEIL DUNN: Okay, so that is where I was going because and I don't know that would even be required, but I
236 think they are doing studies and maybe they like cows and what the cows leave behind, but you know, by the
237 same token, I don't want to give you permission then we find out whoever'd doing the study...

238
239 STEVE NORMANTON: We're fine with putting fencing up...

240
241 [Overlapping Comments]

242
243 STEVE NORMANTON: Fencing them out of the wildlife easement, yeah.

244
245 NEIL DUNN: Anybody else on the Board?

246
247 NEIL DUNN: Anybody in the public speaking for the applicant? Please state your name and address please for
248 the record.

249
250 CRAIG FORNIER: At 12 Plaza Ave., Hudson, NH. I support Steve Normanton, and I support him not only for the
251 agriculture, but I support him because he employs my son as well.

252
253 [Laughter]

254
255 NEIL DUNN: Anybody else wishing to speak, please come to the microphone. Name and address please.

256
257 BRIAN TEMPLETON: 18 Whiteplains Avenue, Londonderry. I also support Normanton Farms. I've been
258 employed there for almost three (3) years now, but my initial contact with Steve was because of my
259 philosophy as well, stewardship of the land, and treatment of animals and people, and luckily for me that
260 turned into a job, but I just want to state my support as well.

261
262 NEIL DUNN: Anybody else like to speak in favor?

264 MIKE MCLEMBORG: 14 Chandler Drive here in Londonderry. I support Steve Normanton in what he believes,
265 and how he raises the animals. It's a humane and healthy way, and it's just a better way to raise the animals.
266 It's very human, I'm all for the variance.

267
268 NEIL DUNN: Anyone else?

269
270 STEPHANIE BOROVIKA: I live on 8 Acorn Drive which is just South of this property. I'm also an employee, but
271 as I said, I live right near there and I would much prefer cattle in my neighborhood, and my back yard then all
272 the businesses that they were discussing.

273
274 NEIL DUNN: Thank you. Next.

275
276 DENISE FORNIER: I'm a big supporter of Steve Normanton and the way he treats his animals and the way he
277 raises his cattle.

278
279 NEIL DUNN: Anyone else, or is it? I mean typically we speak to the points of law, and I'm great with the
280 support and I do recognize...Anybody else want to speak, or have any questions? Seeing none, anything else
281 from the Board?

282
283 [Overlapping Comments]

284
285 NEIL DUNN: Oh, I'm sorry, it's getting late, no thank you very much. Anybody else opposed, or with
286 questions?

287
288 [Laughter]

289
290 NEIL DUNN: I do apologize, thank you.

291
292 TOD ERICKSON: I live on 22 Sandy Book Lane, and I don't have any trouble with what Steve is doing, or
293 anything thing, I completely support the philosophy and everything. I guess my question is, and I don't know if
294 it's a question for Steve, or for the land owner, but a few questions – how long have the cows been housed
295 there without the proper permitting, and when did the Town become aware of it, and did the, I'm assuming
296 the land owner was aware that this Gateway business district was not zoned for livestock, and did he
297 knowingly invite Steve in there against the zoning regulations to keep the livestock there, and would the
298 livestock have been kept there if the Town did not discover that they were being held there, so I don't have
299 any problem with Steve's philosophy and I think it's great for the animals and so forth, my question is really
300 that it seems like the land owner is obviously in a state of flux at this point because the land is not buildable or
301 developable. At this point, so was the point to lease the land to Steve's company to Steve's farm to get
302 revenue against the zoning regulations while all this other variances and planning stuff was going on, and
303 second thing right now there's about fifty (50) some odd cattle there. You can hear them, um and if it grows
304 to one fifty (150) will there be any kind of monitoring, or any kind of insurance that there aren't all kinds of
305 other things happening. Makes me feel a lot better about the fence near the brook and so forth, and you
306 can't really get that far because once you cross the brook before you get to the residential area which is the
307 area that I guess is approved for this now. It's heavily wooded, you'd have to clear a lot of land to make that

308 workable, so I have no issues with what Steve is doing, I guess my bigger issue was what happened prior to
309 them coming here, and would they have come here given that this is a temporary situation. Would they have
310 come here if they weren't served with some sort of papers from the Town saying they had to remove the
311 cattle?
312

313 NEIL DUNN: I understand your concern, I'm on the Zoning Board and I go by there every day and I'm not
314 trying to speak as a, it never even crossed my mind to be honest with you. The prevue whether they knew or
315 not is kind of outside the realm of this, I do appreciate that, I guess one thing that I did hear that came out
316 that is probably is pertinent is the number of cattle there and that the noise level now and whether that be of
317 concern.
318

319 STEVE NORMANTON: Can I address that? I had a hundred fifty (150) head up there already and I don't know
320 if you guys heard it at that stage, sorry so, obviously they communicate to some extent, sometimes it's
321 because I didn't get there in time to give them their food, or whatever, but you know I guess there is always
322 going to be some noise with livestock. I can't guarantee that there wouldn't be, but.
323

324 AMY MANZELLI: Steve, can I just clarify there are no cattle there right now?
325

326 STEVE NORMANTON: There are no cattle there right now.
327

328 AMY MANZELLI: You started pasturing in the area in 2012.
329

330 STEVE NORMANTON: Yes, 2012.
331

332 AMY MANZELLI: And sometime between now and 2012, the maximum number of cattle was approximately
333 one hundred fifty (150).
334

335 STEVE NORMANTON: Yes, that's correct.
336

337 NEIL DUNN: And do you foresee maintaining a level of one hundred fifty (150) and not more, or less?
338

339 STEVE NORMANTON: I'd probably not go more than that.
340

341 AMY MANZELLI: I think it's important to emphasize as Steve mentioned earlier sometimes the number is zero.
342

343 NEIL DUNN: No, absolutely.
344

345 AMY MANZELLI: Sometimes the heard is split, so it might be half of what he currently has because there isn't
346 enough forage, so I just wanted to be clear, there wouldn't be one fifty (150) twenty four seven (24-7). I'm
347 happy to address some of those questions if the Board wishes?
348

349 NEIL DUNN: No, I really, I understand the concern, but whether somebody knew or not isn't really the prevue
350 of the Board. It's here now because they are here for a variance. I understand because like I said I drove by

351 there every day, so it's just not really here. Anyone else with a questions, or concerns for more information
352 about the total number of heads or anything?

353
354 BRENDA GAUVIN: 19 Sandybrook Lane. How do you, do you need a new road to access to bring the steer in
355 to bring in your leaf in?

356
357 STEVE NORMANTON: Not at this stage, no.

358
359 BRENDA GAUVIN: How do you bring them in?

360
361 STEVE NORMANTON: I come in up through Industrial Drive.

362
363 BRENDA GAUVIN: Okay so, I can hear that you're coming up through there. When we hike out, we can see
364 the sand pit areas where you were.

365
366 STEVE NORMANTON: Yeah.

367
368 BRENDA GAUVIN: Right, I don't have a problem with you being doing this because I'd rather have the woods
369 there, but I would especially like it if you would fence off the area so that they didn't get into the wildlife area,
370 and so that we can still go out there without you know maybe upsetting a bull or something.

371
372 AMY MANZELLI: If I may clarify, my understanding is that all the areas on which the cattle are pastured are
373 already fenced, so for any hiker, hunter for someone out there to have an interaction with a bull, the cattle
374 would have had gotten out, or the hiker, or hunter would have had to come in.

375
376 STEVE NORMANTON: Which is always a possibility because I not saying that it wouldn't happen, but you're
377 concerns noted for sure. Thank you.

378
379 NEIL DUNN: Anybody else with objections, or concerns, or questions? Anybody else in general? Alright, we'll
380 bring it back to vote. I do apologize for forgetting to go that way. Any questions from the Board?

381
382 DAVE PAQUETTE: I was about to say no I do not.

383
384 [Overlapping Comments]

385
386 JACKIE BENARD: The terminology livestock, does that only mean cattle, or is it sheep, is it pig, is it going to be a
387 variety of all sorts of animals?

388
389 AMY MANZELLI: Right, so I can give you the legal definition and then Steve can check me on against his actual
390 operations. So livestock includes all manner of four (4) footed animals, but what we are looking for is
391 permission to grave cattle only. Is that correct?

392
393 STEVE NOTTINGHAM: Yes, that's correct.

395 JACKIE BENARD: Thank you very much.

396
397 NEIL DUNN: Anything else from the Board?

398
399 [Overlapping Comments]

400
401 NEIL DUNN: The, I appreciate the fact that you let us know that December 21, 2016 would be the life and then
402 the land owners could terminate the lease, so to, how do we know that they terminated your lease though I
403 guess. How are we made aware of that so that anybody else who wanted to, or if they got better rent from a
404 guy with llamas or something were not perpetuate something? Richard, we don't really have control over that
405 do we?

406
407 RICHARD CANUEL: I don't really know how we would.

408
409 NEIL DUNN: So we'll look for your brand as we go by.

410
411 AMY MANZELLI: If I may, this would be a condition that the variance would expire at the end of 2016 based
412 on your finding that the applicant no longer has the need after that time, so let's say you grant the variance
413 and next week Steve gets kicked off and the llama farm comes in, so first of all, if your variance is limited to
414 cattle, then llama are not allowed to grave there, but let's assume it a new cow farmer then that cow farmer
415 would be able to use that variance until the end of 2016 provided that any other conditions you put on this
416 variance would be satisfied. That would be my read.

417
418 NEIL DUNN: So you would be okay if we put that the lease is terminated prior to the December 31, 2016 date
419 that Mr. Normanton would be asked to notify the Town?

420
421 STEVE NORMANTON: Sure, that's fine.

422
423 AMY MANZELLI: Yup.

424
425 NEIL DUNN: And that were just not perpetuating...

426
427 ANNETTE STOLLER: I have a question, I think. Am I too late?

428
429 NEIL DUNN: No, no not at all, we haven't closed yet.

430
431 ANNETTE STOLLER: Do you run any part of this as a retail operation?

432
433 STEVE NORMANTON: Yes, in Litchfield.

434
435 ANNETTE STOLLER: And that would be what?

436
437 STEVE NORMANTON: I mean in what, all the beef that I raise, I do sell, yes.

438

439 ANNETTE STOLLER: You do directly sell it?

440

441 STEVE NORMANTON: Yes.

442

443 AMY MANZELLI: So the base farm, you know the farm where all the buildings are and the farm house and they
444 have chicken tractors and all the attributes the permanent attributes of a farm are located at the farm in
445 Litchfield, so that's where any retail operations would occur. We are absolutely not proposing, or requesting
446 any sort of retail operations, or any processing of animals on these pasture fields. It's just to bring them in, let
447 them forage, feed them and water them while they are there, and then move them on to the next pasture.
448 Did that answer your question?

449

450 ANNETTE STOLLER: Yes.

451

452 NEIL DUNN: No hunting?

453

454 [Overlapping Comments/Laughter]

455

456 NEIL DUNN: Any other questions from the Board? Seeing none, we'll go into deliberations. Thank you.

457

458 **DELIBERATIONS:**

459

460 NEIL DUNN: Case 7/16/2014-4 we are referring to just to limit grazing of...

461

462 [Overlapping Comments]

463

464 NEIL DUNN: Okay, so granting the variance would not be contrary to public interest. I think any thoughts on
465 that point of law?

466

467 DAVE PAQUETTE: No.

468

469 NEIL DUNN: The spirit of the ordinance would be observed. I think it was as stated in here that other things
470 much more intense uses can be there this is a temporary request and it is pretty much wide open large track
471 of land.

472

473 JACKIE BENARD: So basically, it's a natural use.

474

475 NEIL DUNN: It's more of a natural use than an agricultural, and it's not going to stop the GB area.

476

477 DAVE PAQUETTE: No.

478

479 [Overlapping Comments]

480

481 NEIL DUNN: The owners can terminate the lease, so I'm good with the spirit of the ordinance. Granting the
482 variance would do substantial justice allows for [Inaudible]. It's a temporary variance, it doesn't impact

483 anything long term. I'm good with that. I don't think it's going to diminish. Would not diminish the property
484 values. Special conditions of the property - much more intense uses could go in there. It's not really talking
485 about the conditions of the property, but I get what they are saying, so it's kind of conducive as it is.
486 Anybody's thoughts on that?

487
488 DAVE PAQUETTE: Yeah, I don't think it's going to diminish it, or enhance it.

489
490 [Overlapping Comments]

491
492 NEIL DUNN: Alright, so then we have to comment on the restrictions of the...I believe the December 31, 2016,
493 or once the lease is terminated with Mr...

494
495 [Overlapping Comments]

496
497 DAVE PAQUETTE: I have a few as well, so are we looking to restrict specifically to cattle, or are we ok with
498 livestock.

499
500 [Overlapping Comments]

501
502 UNIDENTIFIED: Cattle.

503
504 DAVE PAQUETTE: Okay, so alright, restriction of...

505
506 NEIL DUNN: Any other, oh you're just mentioning the comments, and restrictions.

507
508 DAVE PAQUETTE: Yeah.

509
510 NEIL DUNN: Thank you, go ahead.

511
512 DAVE PAQUETTE: Restrictions specifically specific to cattle, like you said, the sunset of the variance as of
513 December 31, 2016. Restricting the livestock from access the wildlife corridor, and then that if the lease is
514 terminated by the landowner that the variance is also sunsetted with that time with Normanton Farms, LLC
515 alerting the Town as such.

516
517 NEIL DUNN: Sounds good to me. Anybody else any thoughts, on comments, restrictions, acceptability?

518
519 [Overlapping Comments/Laughter]

520
521 NEIL DUNN: Alright, anybody want to make a motion?

522
523 DAVE PAQUETTE: I would like to make a motion to approve case 7/16/2014-4 under the following restrictions
524 that the restriction of specifically cattle be grazed there rather than the general term livestock; sunset of the
525 variance as of December 21, 2016 restricting the livestock from accessing the wildlife corridor; and that if the

526 lease is terminated by the land owner that Normanton Farms, LLC alert the Town as such, and the variance be
527 sunsetted with that.

528
529 NEIL DUNN: Do I have a second?

530
531 JACKIE BENARD: Second.

532
533 NEIL DUNN: All those in favor.

534
535 ALL: Aye.

536
537 NEIL DUNN: Opposed?

538
539 [No response in opposition]

540
541 RESULT: THE MOTION TO GRANT CASE NO. 7/16/2014-4 WITH RESTRICTIONS WAS APPROVED, 5-0-0.

542
543
544 RESPECTFULLY SUBMITTED,

545 

546
547
548 DAVID PAQUETTE, CLERK

549
550 TYPED AND TRANSCRIBED BY NICOLE DOOLAN, PLANNING & ECONOMIC DEVELOPMENT SECRETARY

551
552 **APPROVED JANUARY 21, 2015** WITH A MOTION MADE BY NEIL DUNN, SECONDED BY ANNETTE STOLLER AND
553 APPROVED, 5-0-0.