

**TOWN OF SOMERS
ZONING COMMISSION**

**REGULAR MEETING/PUBLIC HEARING MINUTES
NOVEMBER 5, 2012
7:00 PM TOWN HALL**

I. CALL TO ORDER:

The meeting was called to order at 7:01 by Chairperson Jill Conklin. Members present were Sam Smith, Paige Rasid, Robert Martin, Dan Fraro, and Karl Walton. Also present was John Collins, Building Official.

II. PUBLIC HEARING:

Application of Carolyn Gall, 76 Billings Rd. Somers, CT to amend Section 214-38 of the Somers Zoning Regulations, reducing the setback requirements for "Keeping of Hens".

Mrs. Gall was present. She brought the commission a signed petition with 30 names and a letter in favor of her petition from a neighbor. She explained her proposal is to allow the residents of Somers to keep chickens on a one acre lot. Currently the setback is 200ft and she feels this is restrictive. She explained the chickens provide eggs for her family and her children enjoy them. She said many others towns across Connecticut have chicken ordinances. She showed the commission a list of health precautions for keeping of hens. She said no roosters and six hens is her proposal for the amendment.

Commission members stamped and accepted the petition and letters for the record. Karl Walton suggested the petition signatures be verified for validity. It was noted by Karl Walton that one names on the petition was from Enfield, therefore it was not valid.

Mrs. Conklin opened up the floor for public comment. Those in **favor** of the application were:

David Pinney of 214 Maple Street spoke in favor of the application as proposed. With the limitation of only six hens and no roosters he felt it would be no imposition on neighbors. He felt to supplement a garden with eggs would be a positive thing as long as proper guidelines were followed.

Janis Ellis of 87 Billings Road wrote a letter in favor of the applicant. The petition with the 30 names was in favor of the applicant. The petition names will be verified.

Those **opposed** to the application were:

Bob Petty of 190 Springfield Road was opposed. He stated it would open up a "big can of worms". He feels three or more acres are needed to keep hens.

Christine Koren of 72 Billings Road was opposed to the application. She abuts the applicant's property. She brought pictures of the chickens in very unclean and unsupervised situations. She stated the chickens were not contained and running into her yard destroying her property. She has complained to the town many times regarding Mrs. Gall's chickens. She feels if

the regulations regarding the chickens are not enforced it is a health hazard. She feels Mrs. Gall has no intentions of following the regulations. She feels a one acre lot is not enough space to raise chickens. She also feels it is unfair to the farmers not to allow roosters. She also commented that there has been a lot more hawk activity. A dead chicken was found in her front yard at one point. She feels this amendment would be a bad idea for the residents of Somers.

George Parkhurst of 72 Billings Road spoke in opposition to the application. He stated this type of amendment should be made on a permit or case by case basis. He agreed 100% with what Christine Koren said. He felt it is a health hazard as well.

John Thompson of 57 Billings Road was opposed. He has seen more coyotes in the area and feels it may be from the unsupervised chickens.

Pauline Spingola of 68 Billings Road was opposed and has also seen more coyotes and foxes in the area. This posed a hazard to her small dogs. She feels more than one acre is needed to raise chickens.

Drew Kukucka of 196 Watchug Road was also opposed to the idea .He feels strongly against raising chickens on only one acre of land. He felt the building codes in town for residential property were not envisioned to be used as farmland. He feels this may impact the value of smaller properties. He mentioned impact of wells due to pollution from the chicken waste.

There were also two letters received in opposition to the “Keeping of Hens” application. They were Christine Koren of 72 Billing Road and Marylin Guimond of 78 Billings Road.

A motion was made to close the public hearing at 7:30 pm by Robert Martin. Seconded by Sam Smith, all in favor, motion carried.

III. MINUTES APPROVAL -OCTOBER 15, 2012

A motion was made by Robert Martin to approve the minutes as written. Seconded by Sam Smith all in favor, motions carried.

IV. OLD BUSINESS:

Discussion/Decision for Carolyn Gall at 76 Billings Road Somers, CT to amend Section 214-38 of the Somers Zoning Regulations, reducing the setback requirements for “Keeping of Hens”.

John Collins gave an update on this issue. He stated this has been somewhat of a “Zoning Nightmare” for Land Use. The town has been trying to get Mrs. Gall to take care her chicken coop, which has been 10 feet from the property line for over a year. Mr. Collins reported that the chickens have been running loose. Two “Notices of Violation” and a “Cease and Desist” were sent to the Gall's home. On three separate occasions Mrs. Gall refused to pick up the “Cease and Desist”, which was sent by certified mail. It was finally delivered by the sheriff on October 17, 2012. She was given 30 days to act and it was at that time she decided to submit this application.

It was noted by Mr. Collins that the Planning Commission sent it back to Zoning with a

negative referral. Robert Martin stated that he did not think keeping chickens on a one acre lot was ideal. He felt it could be an enforcement issue, and not good for a neighborhood setting.

Dan Fraro asked if changing the regulation would affect the cease and assist orders. Mr. Collins said no. This will not change the fact that Mrs. Gall has been uncooperative.

Karl Walton felt it was not appropriate to create a regulation in reaction to someone who has no regard for their neighbors.

Sam Smith shared Robert Martin's view that raising chickens on a one acre lot was not ideal. Jill Conklin agreed once acre was not enough space to raise chickens. She felt it would be more appropriate to buy more land and have a farm like setting for raising the chickens.

Mr. Collins stated the first notice of violation for the chickens was sent to Mrs. Gall on March 23, 2012. This has been an on-going issue since that time.

A motion was made by Karl Walton to deny the application to change the regulations as it would currently apply to farm animals. Seconded by Robert Martin, all in favor, motion carried.

Application denied.

V. NEW BUSINESS: NONE

VI. DISCUSSION:

a. Temporary Sign Sweep

Commission members had a brief discussion on the recent sign sweep. John Collins reported two successful sign sweeps have been done since the last meeting. Commission members agree the idea of wayfarer signs would be a good idea. The town attorney has said signs cannot be regulated according to content. Therefore, the commission cannot say farm signs can stay but others cannot.

Karl Walton felt the commission could create regulations regarding agricultural businesses and signs. Mr. Collins stated he felt the commission needed way for the town to allow directional signs. The POCD may be asked to come up with some ideas for wayfarer signs.

Sam Smith stated the regulations need to be fair to all businesses. There are many businesses that are seasonal that are not farming. The wayfarer signs suggested would need to include farming as well as other seasonal businesses.

This will continue to be a discussion in future meetings. No decisions have been made at this time. More input is needed from the town hall and community.

b. 2013 Meeting Schedule

A change was made in the Zoning Commission meeting schedule. The schedule is to have proposed to have the January 21, 2013 meeting on January 22, 2013, due to Martin Luther

King holiday

A motion was made by Sam Smith to accept the proposed meeting schedule. Seconded by Karl Walton, all in favor motion carried.

c. Zoning Commission Report

A motion was made by Dan Fraro to accept the 2011-2012 Zoning Commission report. Paige Rasid seconded it, all in favor motion carried.

VIII. CORRESPONDENCE AND BILLS: NONE

IX. ADJOURNMENT

A motion was made by Rob Martin at 7:54 to adjourn the meeting. Seconded by Paige Rasid, all in favor, motion carried.

Respectfully submitted,

Julia Sarno, recording secretary