

**COVENTRY PLANNING AND ZONING COMMISSION
MINUTES
REGULAR MEETING MONDAY, SEPTEMBER 26, 2016**

CALL TO ORDER

By: Giglio

Time: 6:59 p.m.

Place: Town Hall Annex

ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Ray Giglio, Chairman	X	
	Bill Jobbagy, Vice Chairman	X	
	Christine Pattee, Secretary	X	
	Darby Pollansky	X	
	Ed Marek	X	
ALTERNATE MEMBERS:	Bob Burrington	X	
	Steven Hall		X
	Brent Genovese		X
OTHER:	Eric Trott, Town Planner	X	

AUDIENCE OF CITIZENS:

None

ADOPTION OF MINUTES:

Motion: Move to approve the minutes of the September 12, 2016 meeting.

With the following correction:

- On page 3 of 5, first sentence under New Business item 2 – change “Alicia” to “Elicia”.

By: Pollansky

Seconded: Pattee

Motion carried with the following vote:

For: Giglio, Marek, Jobbagy, Pattee, Pollansky

Against: None

Abstain: None

COMMUNICATIONS:

1. The CERC meeting minutes, with attachments, were sent by email to the Members this afternoon. Should the Economic Development Committee feel the expenditure for Sitefinder is warranted they will send the information to the Town Council.

STAFF REPORT:

None

ENFORCEMENT:

None

ACKNOWLEDGEMENTS:

None

PUBLIC HEARINGS:

1. **#16-08S – Special Permit application of Elisabeth Drouin to maintain chickens/turkeys on a parcel of less than 80,000 square feet in area; property located at 134 Lancaster Road (Assessor’s Map C, Block 29, Lot 1118) GR80 Zone.**

Elisabeth Drouin was present.

Staff gave a history of the application. The applicant is keeping chickens and two turkeys. She has twelve chickens today. The coop structure conforms to zoning. Some neighbors wrote letters in support that were included in the packet. There have been two letters of complaints that brought this matters to Staff’s attention. The applicant had a hermaphrodite chicken that laid eggs and crowed. That particular bird has been moved to a Mansfield property.

Audience of Citizens:

Diane Vanscoter, 154 Lancaster Road – remarked that the chickens have been there for about a year. In her opinion, the issue is that there has been a marked increase in the number vermin, the smell, and the noise. She noted that a Special Permit does not limit the number of chickens or roosters. She is worried about the health consequences due to the increase in vermin. The rooster crowing, that was waking them up before 5:00 a.m., is another concern.

Joseph Faryniarz, 133 Lancaster Road – his only request is that there are no roosters. Otherwise, he has no objections to her keeping poultry.

George Yager, 127 Lancaster Road – reported that the rooster did wake him up. He asked if the Special Permit limits the number and type of livestock. He asked if the livestock would have an impact on the groundwater. In addition, he asked if others in the area can keep animals if this person is allowed to have livestock. Staff indicated the permit can be conditioned as to type and number of allowable livestock. The groundwater impact or non-impact is related to how the manure is managed. If the manure is composted properly, there should be no impact; in unaddressed, it can attract flies. The manure should be amended and composted. The Health Department and ZEO would likely be involved if there are complaints about the smell. However, Staff added that “smell” is subjective. The proposed area for the poultry is contained and the animals will not be free-ranging. Staff indicated that the Commission decides if animals can be kept or not for each application.

The applicant indicated that the area that contains the poultry is right under her living room windows, that she does not have air conditioning, and that she does not smell any odor.

Peggy Yager, 127 Lancaster Road – commented that it is known that people become adjusted to our own odors, which may be why Drouin does not smell the chicken odor.

Pollansky reported that there is not an issue with disease getting into the groundwater. The owner cannot stockpile manure within 100' of property line per regulations.

Diane Vanscoter, 154 Lancaster Road – reported that the birds have gotten out and are able to go over the fence. She also indicated that the fenced area for the poultry consists of only 1/3 of the applicant's property that is adjacent to her property. While the applicant has not noticed the chickens getting out of the fenced area, she has trimmed one of the chicken's wing to prevent them from flying. She conceded she may have to trim them again.

Joseph Faryniarz, 133 Lancaster Road – asked if the applicant has to file a waste management plan with the Health Department. Staff indicated this is not required since this is a situation of hobby keeping of chickens and does not qualify as a farm.

George Yager, 127 Lancaster Road – has heard that guinea hens make a lot of noise. The applicant replied that she does not have nor plans on getting guinea hens.

Peggy Yager, 127 Lancaster Road - does not think what she, the applicant, did (getting chickens) was appropriate within getting permission. Applicant indicated when she found out that she was in violation, she did not hesitate to correct the situation and has apologized for the oversight. She has no reason to not grant permission for the ZEO to enter her property.

Diane Vanscoter, 154 Lancaster Road – was concerned that a complaint was filed with the Land Use office, but they could not go into her yard without permission as the situation was not viewable from the road. She did give the ZEO permission to view the situation from her yard for a Friday, but the ZEO showed up on Thursday. Staff replied

that ZEO does not have a way to police a situation if access to the property is not granted other than by issuing a warrant. The Office first works by seeking cooperation. A granted permit could be revoked if there are complaints and access to view the situation is not granted. Staff also asked if the Citizen wished to file a complaint about the ZEO going onto her property on the incorrect day. Citizen responded in the negative.

Staff commented that odor generation is subjective, and therefore, a hard indicator to police. The noise concerns seem to have been relative to the rooster that is no longer there. He asked Ms. Vanscoter if she is concerned about a noise issue now. Vanscoter indicated that they now hear the gobbling of the turkeys, which the applicant indicated will no longer be the case around Thanksgiving. Staff continued that rural country living may not be for everyone. The applicant has indicated that she will be clipping the wings and contain the poultry within the fenced area indicated on the plan; the manure is being composted.

Joseph Faryniarz, 133 Lancaster Road – asked if the number of chickens trigger a permit. Staff indicated there are acreage requirements, but the number of livestock is not limited.

Pattee has heard the neighbors commenting about another neighbor that is keeping chickens and the concerns about this flock. She suggested they contact the ZEO to file a complaint about this neighbor and the free-ranging chicken flock.

Diane Vanscoter, 154 Lancaster Road – reacted to the comment that Town regulations do not limit the numbers or the space per animal. Staff indicated they do not want to be in the situation of counting the number and type of livestock allowed. However, there are USDA standards for space for each type of livestock for the health of each animal. The indicated 40' x 100' area for the livestock on this property is more than enough based on those standards.

Peggy Yager, 127 Lancaster Road – asked if livestock near-by have an effect on their property tax-wise. Staff replied that he cannot answer that question. Pattee added that property value is always a concern. However, zoning regulations and an agricultural statement for the Town have been adopted.

Drouin indicated she may hatch 3-4 chicks at a time. Some of these go to a pre-school. If any are identified as roosters, generally not until they crow for the first time, they will be moved to a friend's property in Mansfield. Ten to fifteen chickens are the maximum number she keeps.

Jobbagy is concerned about the odor issue. Staff again stated that this is a very subjective matter. The ZEO could go out there and not feel there is an odor. Odor is based on people's sensitivity; it is a very challenging situation to judge. The permit could be granted as a temporary one and the situation reviewed at the end of the temporary period. Jobbagy is of the mind to go with a temporary permit.

Drouin asked if the permanent permit would require another expenditure of \$638. Pollansky asked if there is a way to move this from a temporary permit to a full permit without another fee. Pattee was astounded by this application cost. She is uncomfortable with making this a temporary permit. The noise issue has been addressed. Pollansky added that she does not think a temporary permit is necessary. The rights of the property

owner have to be considered as well as those of the neighbors. Staff indicated the cost is due to the requirement of publishing the public hearing notice.

The hearing is closed.

SITE PLAN REVIEWS:

None

OLD BUSINESS:

- 1. Request of Andrew Ladyga to allow minor modifications to the site plan associated with Special Permit #10-02S for a motor vehicle dealer and repairer facility at 2812 Boston Turnpike.**

Andrew and Elicia Ladyga were present.

Staff recalled the issue that was continued from the last meeting.

Pattee commented that the three options seem to center around the persimmon tree. Staff replied that the PZC conditioned the permit to keep the persimmon tree. The PZC also wants to limit the parking spaces to the 49 indicated on the approved site plan. They are now trying to achieve a balance between those parking spaces and personal parking spaces for 6-7 vehicles. The owner is concerned about the detritus from the persimmon tree on his personal vehicles. He does not mind the tree, but wants to protect his vehicles. Once the business is up and running, he cannot have any cars parked on the driveway due to traffic flow. Staff does not want to be in the situation of counting cars and being the parking space cop.

Three parking options were suggested by Ladyga. Staff sees a hybrid plan being worked out.

Discussion between the Members, Staff, and Randy Becker, Engineer for the owner, centered on adding the seven parking space for personal vehicles located as such – oversized spaces 41 and 48 to be reduced to 9' x 18'; space 49 remains as is as the only required handicapped space. After space 49, an ~5' island is to be constructed that contains an ash tree. Personal spaces 1-6 to begin after the island and go to the well; the seventh personal parking space is to be north of the well. A sugar maple tree is to be planted to the east of the well. The owner was agreeable to this hybrid plan.

NEW BUSINESS:

- 1. Preliminary discussion with Andrew Bushnell regarding proposed family subdivision of Roberts on Skyview Drive.**

Andrew Bushnell was present.

This property is located at the end of the cul-de-sac and is of a little less than 65 acres. Two lots are being proposed under the family subdivision statutory guidelines. Mrs. Roberts, the owner, will build a house on Lot One and convey Lot Two to her daughter. There will be one common driveway off Skyview Drive. A wetlands permit will be obtained for the driveway. Utilities will be underground; the perc test had a good result even though the soil conditions lengthened the driveways.

Staff added that Bushnell is requesting a waiver on the Class A survey requirement; due to the size of the property, a Class D survey will allow the indication of the boundary of the property beyond the active development area, which is approximately 30 acres.

DECISIONS:

Motion: The Coventry Planning and Zoning Commission approves the request of Andrew Ladyga to allow minor modifications to the site plan associated with Special Permit #10-02S for a motor vehicle dealer and repairer facility at 2812 Boston Turnpike. The modifications involve the following:

- Move the entrance on Cedar Swamp Road to where the existing break in the stone wall is located.
- Move the dumpster pad towards Cedar Swamp Road Entrance.
- Add seven parking space for personal vehicles located as such – oversized spaces 41 and 48 to be reduced to 9' x 18'; space 49 remains as is as the only required handicapped space. After space 49, an ~5' island is to be constructed that contains an ash tree. Personal spaces 1-6 to begin after the island and go to the well; the seventh personal parking space is to be north of the well. A sugar maple tree is to be planted to the east of the well.

By: Pattee

Seconded: Pollansky

Motion carried with the following vote:

For: Giglio, Marek, Jobbagy, Pattee, Pollansky

Against: None

Abstain: None

Motion: The Coventry Planning and Zoning Commission approves Special Permit application #16-08S of Elisabeth Drouin to maintain chickens/turkeys on a parcel of less than 80,000 square feet in area; property located at 134 Lancaster Road (Assessor's Map C. Block 29, Lot 1118) GR80 Zone.

With the following conditions:

- There is to be no stockpiling of manure. Manure is to be properly handled by amending and composting it.
- There is to be no trespassing on others' property. The livestock must be contained within the area indicated on the plan.
- No roosters shall be permitted.
- No more than fifteen heads are permitted – chickens/turkeys only.

Reason for Decision:

The application complies with the applicable criteria.

By: Jobbagy

Seconded: Burrington

Motion carried with the following vote:

For: Giglio, Marek, Pattee, Pollansky

Against: Jobbagy

Abstain: None

ADJOURNMENT:

The meeting was adjourned by Giglio at 8:54 p.m.

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, PZC Recording Secretary

PLEASE NOTE: These motions are not official until approved by the Planning and Zoning Commission at the next Commission meeting. Please see the next Commission meeting minutes for approval or changes to these motions.