

CITY OF LACONIA
ZONING TASK FORCE
MINUTES MEETING OF JUNE 27, 2013
APPROVED JULY 25, 2013

Present: S. Perley, **Chair, (Zoning Representative)**; J. Tivnan, L. Guild, W. Contardo **(Planning Representatives)**; S. Weeks, J. Driscoll, J. Moriarity **(Members at Large)**; S. Saunders, **Planning Director**; K. Snow, **Zoning Technician**

Absent: S. Bogert, M. Foote **(Zoning Representatives)**

S. Saunders thanked everyone for volunteering their time to the task force. She explained how the committee will work.

S. Perley handed out the zoning task force mission and explained what they hope to accomplish. She said that the intent is to update the ordinance, and add some sections like FEMA, impact fees, and shoreland protection that had already been approved, but that were not yet incorporated into the ordinance.

W. Contardo asked about the current agriculture regulations and was told that poultry is now allowed in certain zones only. He said he was approached by a member of the public regarding this. S. Saunders said that they met with Karen Barker, who was a member of the Back to Farming at the Laconia State School, and is now called the Lakes Region Food Network. S. Perley said the ZBA had received an application from a homeowner to have chickens, and the board turned it down, as it was located in a residential area. The board knew we needed standards in order to permit the use.

J. Tivnan asked if a neighbor has chickens now, can he continue to have them and was told only if he is located in a zone where they are now permitted. It would not be grandfathered if not in the proper area. He said he has a neighbor in Long Bay who has chicken and has had them since he moved there. S. Saunders asked if we had complaints on that and K. Snow replied none.

S. Saunders passed out the ordinance to the members. They have the ordinance that is currently on the books, with none of the proposed changes.

S. Saunders went through and explained the articles in the ordinance. She said there are not many changes in Article I. Article II are the definitions, which are very important. They must be very clear. Article III is the breakdown on districts and the map. The purpose of each district is laid out, and that is

important in regards to the use table. You need to check the purpose and make sure you feel the use fits into the zone.

Article IV: again not many changes. There are no changes in impact fees. Article V are the uses. S. Saunders said to look at that and see where things are permitted. Article VI are the dimensional standards. Article VII is supplementary uses. Article VIIA is new with small wind energy systems. Article VIII is parking. Article IX is signs and we will be dealing with this comprehensively. Article X is nonconforming uses. Next are processes. Article XI is set by state statues. S. Perley said the ZBA criteria has been changed by the state and the criteria in the current ordinance needs to be updated.

S. Saunders said that Article XII is the CUP, which is a permitted use but may need more conditions. Next is administration and enforcement. There are not many changes here. S. Perley said duration of permits will be changed to bring them in line and be consistent with the planning department permits.

Article VII, the residential uses and residential accessory uses, is long and has a lot of criteria that need to be reviewed.

J. Moriarity asked S. Saunders to outline what the approach is legally. How is the authority derived? He asked is a property owner can do anything unless specifically prohibited and was told yes per S. Saunders. She explained the use chart and that some issues are controlled by the state, not the city.

She let the committee know that the City Council asked for the proposed changes to be presented to them in sections, and not the entire ordinance at once. She said that the boards, the City Council, or citizens can initiate changes. Zoning set up a subcommittee as they felt it was the best way to address the issues.

S. Saunders let the members know that public meetings are posted in 3 places, and put in the paper. We present proposed changes to the public, who can comment on them. The committee will listen to their comments, weigh them, and make changes.

W. Contardo asked how many people comprise a petition and S. Saunders looked up the criteria. She said 25 signatures are required. We do a draft, hold public meetings, and make any changes. The ZBA then makes their recommendations to the City Council and they do the final approvals.

Petitions have to go to City Council under 235-85, Article XIV, 10 days prior to meeting. We need 25 or more signatures of registered voters. For district boundary changes, we need 50% of voters or 25 signatures.

She said there are ways to make changes, ZBA initiation, Planning Board initiation, or by citizen petition. W. Contardo asked how many people petitioned for chickens and was told none, but that Planning gets many calls on this so the people want it. She said that K. Snow would be responsible for enforcing this.

W. Contardo asked how many people call and was told that we do not keep track. K. Snow said that if they want a petition it would be an easy process to get one as it could be mentioned to the next person

who calls in which would give the committee some numbers to begin with. We have not mentioned that process to anyone.

S. Saunders thanked the committee members for being here and talked about the proposed schedule. She said it is the goal for the committee to meet no more than once a month, although it could be more. The entire process should take several months, possibly up to a year. A lot of things can be done via e-mail.

She is looking at once a month, in house, with the long term goal to look at the entire ordinance. We will break this down into bite size sections. Chickens will be first, signs next, and then storm water. Campgrounds and parking will be looked at after. Some members may not have an interest in campgrounds, or in chickens, so we could possibly do further sub-committees to focus on your particular interest.

S. Perley asked if this time of day is a good time for the board to meet and was told no earlier than this. S. Perley said she prefers not to do a night meeting. It was agreed that this timing is good so we will plan on Thursdays mornings at 10 for most.

S. Saunders said that chickens will be looked at first beginning with the definition of agriculture. There are requirements for stables, under agriculture, and people wanting horses must meet the criteria.

S. Perley said we looked at many towns chicken ordinances. Concord and Lebanon recently adopted one and we took a part of their language to draft our language. We did research state wide as everyone is asking for this use. A lot of rural towns have one sentence but in larger cities there is more language as you have small lots in urban areas. We are including a reference to UNH Best Practices for Agriculture. We are providing for the keeping of chickens only, no roosters, and no guinea hens.

W. Contardo asked why people want chickens and was told for eggs. He asked about the criteria and was told we are not allowing slaughtering, and no selling.

S. Saunders said we are requiring a hen house and fenced in areas. No chickens can run loose. Henhouse, runway, and chicken are all defined. They can have up to 5 chickens, over that is considered an agricultural use. No apartment buildings or condos are permitted to have chickens, only single family residences. They cannot be kept in front yards, and must have fenced in areas. Setbacks are important. People must have enough land, and must meet the setbacks.

S. Perley said most towns don't get specific on the lot sizes due to the other restrictions. The owner must provide adequate ventilation, housing, water, etc.

S. Perley said the lot size could be a factor when going to the public hearing. W. Contardo said he feels this is subjective and wants absolute numbers. He said he did some research on chickens and that a lot of cities don't currently allow them. W. Contardo said he isn't for or against chickens, but is playing devil's advocate.

S. Perley said this draft section of the ordinance is the longest and the most comprehensive of the ones she has researched in the state of NH, and we are making it as tight as possible.

L. Guild said he used to raise chickens in the past and that people don't understand some of the issues. He said ventilation is important, they need that. They need adequate feed, water, and grit. He said their manure is very toxic and it smells. He asked about disposal of the chicken after it no longer lays eggs. He said you need a nest area for each chicken. He said he lost up to 50 chickens on a hot day. He asked on the disposal of manure and W. Contardo said we are asking people not to use certain fertilizers on their lawns, but they can use chicken manure and was told yes.

W. Contardo said he feels the waste could become an issue. K. Snow asked how people now handle dog or cat waste as she feels this would be a similar situation.

The committee was told we talked with the farming group on having them start providing more information to the public on the manure issues, where to get chickens, and they said they will set up talks with the public and explain how to deal with manure issues. S. Saunders said maybe we can get the group in to talk to the ZTF.

L. Guild said they do attract wild animals, raccoons, foxes, etc. and that the City should not have responsibility for the chickens being killed. He asked if we can add language on predators to the ordinance.

W. Contardo said a lot of our storm water goes directly into the lake and wondered how that will be handled.

S. Saunders said she thinks it would be beneficial to have a small public hearing with the ZTF and the public to hear what they want.

David Gouette, owner of Maggie D's Garden Center, said he has chickens at his house on other side of the lake. He said 4 is a good number to have for the average family. He said that he feels most people don't step up to the plate and be responsible. D. Gouette said his property is not downtown, not in the city limits.

W. Contardo said he was approached by a citizen who stated that a neighbor of his has a chicken. It comes into his backyard, and dogs in the area bark at the chicken. W. Contardo said that barking dogs would be an issue. K. Snow said dogs currently bark at cats, joggers, and other dogs; that is their job.

W. Contardo said the chickens would be in view and that neighbors will police them and make sure they are taken care of. He said if this were more controlled, and enforcement is easier, it wouldn't be as bad. S. Saunders said this change would allow them in more urban areas. She said maybe we should hold a public hearing on this, and get comments from the public. We can do that at the next meeting, at 10 am. People can attend if able and if not, they can submit letters or e-mails.

L. Guild said chickens can be cannibalistic and S. Saunders said the farming group said they should be fine if kept in small numbers. Larger groups are the issue.

J. Driscoll said it was mentioned that we checked out other areas, and wondered what kind of feedback we got from the other cities. S. Perley said Concord said nothing negative, and Lebanon was just done in the past year, with no problems to date there.

S. Saunders said we could possibly set up a conference call with another town during our meeting. J. Driscoll said that is a good resource to have. S. Perley said she thinks Concord has been in place for over a year.

W. Contardo said what about real estate values. He said maybe people could do a chicken co-op on some site like they do with the community gardens. He said he feels that people participating in the co-op would more than likely help each other sustaining the animals and assisting with water, feed, etc when the owner couldn't or wasn't able to do so. He said people think chickens are maintenance free, but they are not. People with animals have obligations to the animal.

S. Saunders said there are a few issues that need to be looked into. We need to tailor our language some. We can start the meeting at 10, do a conference call with Concord, and have the have public in at 10:30 for pros/cons, and then move forward with language changes.

L. Guild said people don't realize what it takes to raise the animals. He said chickens are a fad at the moment and he doesn't think people understand what is involved.

W. Contardo said farm animals are monitored and asked who will monitor this? Who would go out, who would check when there are complaints. S. Saunders explained the zoning inspection process and said that K. Snow is the one who would do inspections.

W. Contardo asked if we could possibly do a permit process and S. Saunders explained and said maybe we could make this a CUP application. She said that we do not have the city resources to do scheduled inspections. If we do that another group will want their issue looked into as well. W. Contardo said the enforcement is a strong component of this for him. He stated that enforcement needs to ensure the ordinance is met and he isn't sure that a volunteer group would be able to handle this.

S. Saunders said we are stating the size of the hen house, we will add predators to the language, disposal of a carcass, and screening from neighbors. She asked if we should add language about a Conditional Use Permit or a Special Exception for the use and W. Contardo said he feels we can talk about that at another time. He asked Steve Weeks, as a realtor, what he thought and S. Weeks said he felt it would lower property values. W. Contardo also suggested asking other realtors for their feedback.

We will post the public input meeting and get information to the media to let people know about the next meeting.

J. Moriarity asked about where manure would be stored and it was determined that would not be permitted near the lot line.

S. Weeks said his father was a farmer. They had a small lot which was all gardens. They had a chicken coop in barn, where they were raised, and they ate the eggs and chickens. They grew everything needed for food but he said his father knew what he was doing.

W. Contardo said he is afraid what would happen with the dogs, people having too many, will happen with chickens.

David Gouette said he thinks people should be allowed to have chickens and asked about the lot size. He was told that instead of a lot size they used setbacks - that self determines whether you can have the chickens or not.

S. Saunders said she is thinking sooner than a month for the next meeting. She suggested two weeks, July 11th. S. Perley said to aim for the 11th, and let S. Saunders know if you can attend.

W. Contardo asked why we want to contact Concord and S. Perley said to hear any issues they may have. We can find out how they regulate the use. Do they require a permit? We should hear from them on that.

The meeting adjourned at 11:35 am.

Respectfully Submitted,

Kristine Y. Snow

Zoning Technician