

MINUTES  
TOWN OF GROTON  
ZONING COMMISSION  
JULY 2, 2014 – 7:00 P.M.  
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Sutherland, Marquardt, French  
Alternate members present: Smith, Bancroft  
Absent: Sayer, Hudecek, Middleton  
Staff present: Glemboski, Quinn, Galetta

Chairperson Sutherland called the meeting to order at 7:00 p.m. and sat Smith for Hudecek and Bancroft for Sayer.

II. PUBLIC HEARING

1. REGA14-01, Proposed Zoning Regulation Text Amendment to Sections 5.1-3 and 7.1-47. Proposal is to allow the Keeping of Hens on residentially used properties, (Town of Groton Zoning Commission, Applicant)

The Public Hearing was opened at 7:00 p.m. with Chairperson Sutherland reading the legal ad.

Staff gave a brief description of the proposed amendment and handed out a number of additional exhibits to be added to the record. A new Section 7-1.47 (Keeping of Hens) is being proposed to allow the keeping of hens on, not only residentially zoned, but residentially used properties. The amendment would allow a maximum of 6 hens on lots of 20,000 sq. ft. or less and a maximum of 12 hens on lots greater than 20,000 sq. ft. up to 5 acres. Above 5 acres is considered a farm under the current zoning regulations and is subject to certain regulations for farm use. The proposed regulation would consider the keeping of hens as a non-commercial accessory use to a residential use. The proposal includes the amendment of Table 5.1-3 (Table of Permitted Uses).

Staff summarized the proposed standards for the keeping of hens. The location and design requirements, which are a fenced enclosure, a coop, and a storage area for food and compost waste, were noted. Hens are not allowed to be kept within residential structures. Roosters are not allowed on any property less than 5 acres. A Certificate of Zoning Compliance is also required to be issued by the zoning official.

The current zoning regulations only allow the keeping of hens for farm use on lots of over 5 acres. The zoning official has had many requests for the keeping of hens on lots of less than 5 acres. Staff recommended that the Zoning Commission review the regulations for possibly allowing hens on smaller lots. Staff has been working with the Commission for the past several months looking at regulations from different towns as well as the health requirements. A number of drafts were reviewed and continually modified until finally agreeing on the language that is being proposed during this hearing. The hope is to limit the potential negative effects from keeping a small number of hens on residentially used properties.

Staff noted that the POCD did not specifically address the keeping of hens or any agriculture in the last update. The new update is looking at sustainable practices such as potentially farming on your land. The existing POCD does reference the enhancement of community character and quality of life in residential areas.

The Planning Commission at its June 10<sup>th</sup> meeting reviewed the regulations and had no comments.

The Town Attorney reviewed the proposal and found it to be legally satisfactory.

Staff addressed comments from Ledge Light Health District (LLHD) in more detail. LLHD was concerned about the language with regard to waste and food storage so as to prevent a nuisance under the public health code. LLHD also had concerns about what direct access means regarding the coop design and enclosure. Staff noted that some of the proposed language was changed relative to this input.

Connecticut Department of Energy & Environmental Protection-Office of Long Island Sound Programs (CTDEEP-OLISP) had no comment because the proposed amendment raised no coastal management issues.

The Connecticut Department of Public Health (DPH) Drinking Water Section expressed concerns with the proposed regulation regarding sanitation standards and compliance with a certain section of Public Health Code. Staff explained that a very large part of the Town is in a Water Resource Protection District (WRPD) which is a drinking water supply area. DPH recommends that a manure management plan be included as a requirement for residents within the WRPD. Staff discussed this with the Town Attorney and came up with modified language. The modified language was given to the Commission as Exhibit 8 and modified Sections 7.1-47 (C), (F), and (G). Additional language is proposed to keep food and compost waste in waterproof and sealed containers and off the ground, and reference a specific State Statute for watershed land. The change also requires the storage area for food or compost waste to be noted on the Certificate of Zoning Compliance. This should alleviate LLHD concerns and DPH concerns.

Staff also reviewed a draft of a Certificate of Zoning Compliance for the Keeping of Hens which was prepared by the Zoning Official.

Additionally, staff noted a public comment from Buck Lawton in support of the proposed zoning regulation text amendment.

Chairperson Sutherland asked for public comments for or against the application.

Bob Hall, 447 Pequot Avenue, spoke against the proposal. He had a recent bad experience close to his home when a neighbor had illegal chickens. He is not against chickens and grew up with chickens. He feels the food should be kept off the ground. He is concerned about wild animals and vermin.

Lecil Guthrie, 10 Maple Drive, spoke against the proposal. He cited his recent experience with neighbors having chickens and the smell is bad. He lives in a small neighborhood.

Paul Fine, 21 Maple Drive, spoke against the proposal. He is concerned about rodents being attracted from the chicken feed. He thinks chickens should be kept on a large farm not in a small neighborhood.

Lori Saunders, 9 Maple Drive, spoke against the proposal. She is concerned about wild animals and rodents. She runs a daycare and she thinks the smell is unbearable. The neighborhood is too small for chickens. She thinks chickens should be on farms.

Thomas Townsend, 156 Ocean View Avenue, spoke in favor of the regulation amendment. He had raised chickens until he was told he couldn't have them. He never experienced negative issues from wild animals and rodents. He keeps the coop clean. If chickens are taken care of and kept well fed and watered there is no problem.

Maggie McCormick, 17 Charles Street, spoke in favor of the regulation. She raised a small flock until she was told she couldn't. She has two small boys who have been involved in the process. She stated people need to be responsible owners and you need to keep coops clean.

Justin Stebbins, 25 Charles Street, spoke in favor of regulation. He had chickens until recently told he couldn't. He has 4 children who have learned from the experience of having chickens. There are points to the comments against but there are ways to mitigate the smell, animals and noise.

Ed Stebbins, 251 Elm Street, spoke in favor of the regulation. He doesn't want chickens himself but he feels the problems in the past have come from the lack of regulations. He feels it should be tightly regulated by zoning and the health department. Stebbins disclosed that he is Chairperson of the Zoning Board of Appeals but is speaking as a private citizen.

Lori Delise, 35 Warren Avenue, stated she supported the work being done by the Commission. She hopes the regulations will help to regulate and alleviate problems with keeping chickens.

Lori Saunders, 9 Maple Drive, questioned if the people who are approved for a zoning certificate for chickens will be followed up on and spot checked.

Staff noted that the regulation will limit the amount of chickens and the coop will be checked. There isn't enough staff to go out and follow up all the time; however, if residents see problems and call the office they will investigate. The Town Attorney has also indicated that the Town would have the right to revoke the permit if the regulations are not followed appropriately. In addition to the Town, LLHD would also be an enforcement agency.

Staff advised the Commission about the options they have during deliberations which include looking at the number of chickens they are allowing and the size of the lot. Some towns require larger lot sizes for chickens or allow fewer chickens on the lot, for example. Any intensification of the proposal will require re-advertising the hearing. Conversely, a decrease such as reducing the number of chickens from what is proposed would not require re-advertising. Before the public hearing is closed, the Commission may want to clarify what is considered waste and what is composting and the option of closed containers or composting.

Lori Delise, 35 Warren Ave, spoke again stating that she has knowledge from a master gardeners' class. She noted that compost bins can be closed but need a little aeration. If you did not compost the waste you would need to dispose of it at the land fill. A regulation compost bin will be effective in disposing of waste.

Bob Hall, 447 Pequot Avenue, spoke again questioning how much waste a small number of chickens, such as 6, could produce. If composted with other garbage there shouldn't be much smell.

Justin Stebbins, 25 Charles Street, spoke again stating that 6 chickens don't produce enough waste to be concerned about. If there is an enclosed chicken run behind the coop, which most people have, they shouldn't produce much odor. The smell is easy to take care of when necessary.

Gale Godfrey, 10 Maple Drive, spoke against the regulation. There is blight in the neighborhood now. The lots are very small in her neighborhood of Winthrop Estates. She is concerned that the neighborhood is not being cared for now and chickens would make matters worse.

The Commission asked Staff to clarify the information previously provided regarding what modifications to the proposed amendment would require re-advertisement of the public hearing. Staff stated that lessening the impact on the property would not require re-advertising.

Staff noted that the proposed regulation almost mimics those that have been enacted in the Town of Hamden and City of New Haven, which are very densely populated areas. The proposed regulation was written to avoid disenfranchising residents with small lots. If the regulation was changed to require a minimum of 20,000 sq. ft. to have chickens this would cut out approximately one-third of the Town of Groton. A large number of regulations were reviewed, not just in Connecticut, but all over the country. Staff felt the proposed regulation sets out a very reasonable and manageable number and that is why these densities were chosen.

The Commission discussed what might happen if a property had blight or zoning violations and the owner also applied for a permit to keep chickens. It was noted that they are separate issues and must be considered independently from one another.

Kimberly Peacock, 25 Charles Street, asked what the cost of the permit would be and whether two small properties, if under a minimum lot size, could be combined in order to allow chickens.

The Commission noted that, as the proposed regulations are written, there is no minimum lot size.

Paul Fine, 21 Maple Drive, spoke again stating that he is opposed to the regulation.

Chairperson Sutherland closed the public hearing closed at 8:07 p.m.

III. APPROVAL OF THE MINUTES OF June 4, 2014

MOTION: To approve the minutes of June 4, 2014

Motion made by French, seconded by Marquardt. Discussion.

MOTION: To approved the minutes of June 4, 2014, as amended

Motion made by French, seconded by Marquardt, 4 in favor, 0 opposed, 1 abstention (Bancroft). Motion passed.

IV. CONSIDERATION OF PUBLIC HEARING

1. REGA14-01, Proposed Zoning Regulation Text Amendment to Sections 5.1-3 and 7.1-47  
(Town of Groton Zoning Commission, Applicant)

Chairperson Sutherland asked the Commissioners for any input or considerations they wished to add.

Smith questioned whether there should be a minimum size lot that restricts the keeping of hens or if it would be better to reduce the number of hens from 6 to 4 for lots of 20,000 sq. ft. or less. He also wondered if 12 was the right number for the upper limit where 8 or 10 might be better. He noted that a sealed container is not compost and wondered if an amendment could be made to the regulation about the use of compost.

Marquardt agreed that 6 hens may be too much for a 20,000 sq. ft. lot or less. She questioned whether this number could be smaller. She also thought there was a big jump from 6 to 12 for lots of over 20,000 sq. ft. up to 5 acres. She suggested that incremental numbers might work better. She also likes the idea of composting as it is a cleaner, more environmentally sound way to go with less smell. She thinks the regulations need to have some provisions for composting.

French has over a half acre and has had 6 hens for many years. She stated that they are not noisy unless disrupted. She thinks 6 may be too many for a 20,000 sq. ft. lot but noted that you cannot buy less than 6. She is against a closed container and thinks that composting, properly done, is better. She stated that an open bin will bring in more opportunistic animals than a closed bin. With the exception of the closed container she feels most of the regulation is nicely balanced.

Bancroft has a problem with 6 hens on less than 20,000 sq. ft. and thinks there should be a better compromise in the numbers. He needs to look at how he wants to make a recommendation to restructure the numbers and lot sizes. He would also like to see somewhere in the regulation specifications about infractions and when the Zoning Official can revoke the permit.

Staff noted that the permit is just a draft at this point and language may be added to it that addresses infractions. It does not have to be in the regulation.

Sutherland agrees 6 is probably too big of a number on 20,000 sq. ft. She would support 4 and thinks you could get quite a few eggs from that number of chickens. She also thinks 12 is a big number but would support using 8 as a maximum. She also agrees with having a closed compost container.

Staff noted that Stonington recently enacted regulations requiring a 20,000 sq. ft. minimum lot size for hens. Staff estimated that one-third of the lots in the Town have less than 20,000 sq. ft. For example, Poquonnock Bridge, the Ocean View Avenue area, and Ring Drive all have lots smaller than that.

The Commission discussed the proposal in terms of what numbers of chickens for what lot sizes will work most ideally, using composting for waste over a storage container, and whether to require a manure management plan for all applications.

Additionally, staff noted that according to the research they have done, 5 chickens produce less waste than an average size dog.

The Commission decided to amend Exhibit 8, Section 7.1-47 (A) to allow no more than 4 hens on lots of 20,000 sq. ft. or less and no more than 10 hens on lots greater than 20,000 sq. ft. up to 5 acres. Also, Section 7.1-47 (C) was modified to strike out “and waste” in sentence and add a new sentence. “Waste may be composted.”

**MOTION:** The Town of Groton Zoning Commission hereby modifies and adopts zoning regulation text amendment application #REGA14-01, amendment to Section 5.1-3 (Table of Permitted Uses) and to add a new Section 7.1-47 (Keeping of Hens) pursuant to the following findings and reasons for approval:

Motion made by Bancroft, seconded by French, so voted unanimously.

#### Findings and Reasons for Approval

1. These amendments are consistent with the Town’s 2002 Plan of Conservation and Development and the Municipal Coastal Program, with particular regard to the protection of the environment and the enhancement of community character and quality of life for the residents of the Town of Groton.
2. The modifications proposed with this approval address issues raised by various regional and state agencies and during the public hearing process and includes some limited text clarifications and enhancements of language for protecting the environment, the drinking water supply, and preserving the quality of life of the surrounding neighborhood. The Commission notes that this action includes adoption of the “Exhibit 8” modified language for Section 7.1-47 (A), (C), (F) and (G), as amended.
3. These amendments are made in accordance with a comprehensive plan and provide for reasonable consideration of the environment in accordance with the provisions of CGS 8-2. The State of Connecticut Department of Energy and Environmental Protection has reviewed the proposed amendments and has deemed them consistent with the relevant goals and policies of the State’s Coastal Zone Management Act.

The effective date of this amendment shall be August 1, 2014

#### V. PUBLIC COMMUNICATIONS - None

#### VI. OLD BUSINESS

##### 1. Discussion of Land Use and Zoning Regulation Review and Update

Chairperson Sutherland reported that this is still moving forward and is now going through the Town Council for appropriation. A cursory review will be done initially. There will be opportunities to make things more efficient.

##### 2. POCD Update Report

The draft update is going through review by the Planning Commission. A workshop is scheduled for Tuesday, July 8, 2014 from 5:30 – 7:00 p.m., prior to their regular meeting, and it will be open to the public. Draft reports are available at the library and the Town Annex front counter. Public comments will be taken in writing.

#### VII. NEW BUSINESS

1. Report of Commission – None
2. Receipt of New Applications – None

VIII. REPORT OF CHAIRPERSON

1. Sutherland met with Economic Development Commission representatives Bob Frink, Bill Smith and George Mathanool to discuss the Zoning Commission operations.
2. Sutherland is following up with Brian Hancock of the IT Department, Deb Jones and Diane Glemboski to discuss hyperlinks for the Zoning Regulations. She noted a Memo from Jones who hoped to have more information on hyperlinks for the meeting. She should be hearing from IT in the near future.

IX. REPORT OF STAFF – None

X. ADJOURNMENT

Motion to adjourn at 8:52 p.m. made by Smith, seconded by Marquardt, so voted unanimously.

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Susan Marquardt, Secretary  
Zoning Commission

Prepared by Lynda Galetta  
Office Assistant II