



BELMONT LAND USE OFFICE

ZONING BOARD OF ADJUSTMENT

Wednesday, April 22, 2009
Belmont Corner Meeting House
Belmont, NH 03220

Present: Chairman Peter Harris; Vice Chair Norma Patten; Members Pleasant Oberhausen, Linda Couture and Marshall Ford; Alternate Edward Hawkins.
Absent: Alternate Member Paulette Palombo (E).
Staff: Candace Daigle.

The Chairman opened the meeting at 7pm and welcomed those in attendance. He noted there was a full board in attendance for the hearing.

ABUTTERS HEARING – Diane Drouin for Richard & Becky Simonds: Request for a Special Exception of Article 5 Table 1 of the Zoning Ordinance to allow agricultural animals (chickens, pigs, goats, sheep, rabbits and a seasonal cow). Property is located at 53 Shaker Road in the “V” Zone, Tax Lot 124-014, ZBA #1209Z.

Diane Drouin and Richard and Becky Simonds were present for this application. Ms. Drouin explained the location where the animals would be kept. Her tenants, the Simonds, would like to have up to 20 chickens and up to 3 seasonal pigs to grow their own food. Their son also wants to participate in 4-H next year. They exceed all applicable setbacks. The animal site will be 125’ from the property line of abutter Guess, 150’ from Lecuyer and Hampe, and even further from Patten’s. The site is more than 150’ from the brook when only 50’ is required from water/wetlands. They are going to build a chicken coop that will be 24sf with a 64sf fenced enclosure. The pigpen will be 180sf with a 36sf lean-to area. The pigs will be gone in the fall. The chicken coop will be 5’ tall, 6’ across and 4’ deep with a 10’x10’ outside grazing area completely penned in. The pigpen will be electrified. It will be 22’x12’x8’ with a portion of it “roofed” with 2 metal roof panels for coverage. There will be electricity all the way around. The use conforms with the agricultural character of Belmont. They have had no negative feedback from the neighbors they have spoken with. There will be no rooster. The chickens are for egg production. The neighbors are excited about fresh eggs. The soil is very sandy with good drainage. Seven people are already lined up to take the waste and the Simonds will also compost for their own garden.

P. Oberhausen noted he had been brought up on a farm. He asked the definition of a “seasonal” cow. Ms. Drouin noted it was just like the pigs, there for meat. It would be a beef cow, on site for 12 to 18 months.

Ms. Drouin explained that as the owner of the property she had included every type of animal that the tenants wanted plus any animal that she may want to have if she occupies the lot in the future. However, the intent is not that all types of animals would be on site at one time. The types could be “mixed and matched” at any one time, but would all be kept within the area described here, and in their application, and on their map. The Simonds don’t really want a cow at this time. Ms. Drouin previously had a pet pig on the site and might want a pet goat at some point in the future.

P. Oberhausen noted there is not sufficient detail as to the location, size and setback distances of the animal keeping area. Ms. Drouin noted it was in writing on the application but not on the submitted map. She went over the detail given above again. In addition, the chicken coop will be 75’ from house and the pigpen closer to 100’ away. They are on town water and sewers so do not have a well setback issue.

P. Oberhausen noted that the whole property slopes downward. Does the applicant have a place where the manure will be stored before it’s taken off or incorporated into the garden? Ms. Simonds noted they have an existing compost pile directly adjacent to the pigpen. That’s where it will be held. If it gets to be too much they will haul it away. P. Oberhausen noted that area slopes towards brook. Ms. Drouin noted the manure to be taken off site will be shipped green. They won’t be aging it on site. E. Hawkins noted this is a very important point because the lot is on the aquifer and the sandy soils will allow the quick infiltration. That’s as much of an issue as direct runoff into the brook. The Board needs some comfort level that there will be appropriate storage and manure handling.

The abutter, Steven Guess stated he did not believe there would be very much waste produced; it probably wouldn’t fill a pickup bed. He offered to take and compost any extra on his own property. P. Harris noted staff has suggested that UNH best management practices be applied.

The applicant noted they did not receive a copy of the referenced BMPs, but are willing to comply with all such BMPs. Ms. Drouin noted that as the owner of the property she is limiting what and where this use can occur. She supports the request, but there is a limit. She will protect the value of her property. P. Oberhausen asked how the bedding and feed would be stored prior to use. Ms. Simonds noted they have a garden shed and it will be used for such storage. The shed is quite roomy and all of their garden equipment is taken out in the summer and all of their winter toys are taken out in the winter, leaving sufficient room year-round for this storage. P. Oberhausen recommended not storing bedding or grain in the basement garage. Ms. Simonds stated they would not be doing that. L. Couture asked if all the animals would be seasonal. Ms. Simonds noted the chickens will be year-round; the pigs will be from April to Oct. P. Oberhausen noted it’s easy to get rid of the manure in the summer time, but how about the winter? Mr. Simonds noted the only manure in the winter will be from the chickens and it will be put on the snow over the garden.

M. Ford asked if the special exception goes with the property and if a limit can be set for a future owner. C. Daigle explained that the approval goes with the property. However, the use will always be limited to the information provided on the application and through the public hearing.

P. Oberhausen referred to the BMPs where one cow needs 50-75sf for the housing, and one pig needs 48sf for housing and 100sf outside. He would like to see more of a layout as to what is going to be done. It's a great idea but there should be more detail. He's very concerned about the composting of the manure especially in the wintertime. Even chicken bedding adds up. This lot is within a quite densely developed portion of the village. It's not really out in the rural area. Without more detail it can leave the door open for abuse by some future occupant. Ms. Drouin referred to the building plans also submitted. P. Oberhausen cautioned about rodents with the grain storage. D. Drouin said she's not averse to having a 4'x4' membrane lined manure storage area if the Board conditions that. Mr. Simonds said the chicken waste would not fill up a 50gal drum per week, probably not a truckload over the winter. P. Harris read from the BMPs about frozen ground manure application not being recommended. Ms. Drouin noted that the way the stormwater management runoff goes there's no concentrated runoff from the animal keeping area and there is also a natural berm at the foot of the slope. They will certainly follow the BMPs.

The chairman opened the hearing to public comment. Mr. & Mrs. Guess were present and said it should absolutely be approved. P. Harris noted their input was an important part of the Board's review. Staff received calls but there were no negative comments. Ms. Guess noted that they are the only abutters who can actually see the area. P. Oberhausen asked about a prior application where a limit was set on the number of birds. That was in a case where the abutter was in opposition.

P. Harris reviewed staff comments. The applicants seem to have addressed those issues; they will exceed all setbacks; they will not have roosters; the setbacks greatly exceed the minimum required; the lot size is very large for a village lot giving good protection from noise and other possible nuisances. P. Harris felt that the BMP package would be a good guideline for the use and for enforcement. It even gives the applicants contact information for additional information.

There being no further questions or comments the chairman closed the public hearing. L. Couture asked about the BMPs. C. Daigle stated that conditioning the BMPs was up the Board. There was discussion about the BMPs being "one-size fits all" and perhaps not all were appropriate for a small family operation. In the case of manure storage it was most important to either keep manure covered to limit leaching or keep it on an impervious surface to limit runoff.

E. Hawkins noted that contaminants were the important issue due to the site being on the aquifer and within the wellhead protection area of the Municipal wells. It points to the need for diligence in manure management. Mr. Simonds noted he does have a trailer to haul the manure off site as necessary. He could shovel it into the trailer until it leaves the site. P. Oberhausen asked how the number of 20 chickens was chosen. Ms. Simonds noted she had chosen five each of four types from Agway. She has a friend who will take any roosters. P. Oberhausen asked about the number of pigs. Mr. Simonds wants two for himself and one to sell. They have a very large family that comes to their house for every holiday. The other types of animals could take the place of the chickens and pigs. C. Daigle explained what constitutes a structure needing a

building permit. P. Oberhausen asked how water was supplied in the winter. Ms. Simonds noted they have a downstairs bathroom and water will be bucketed to the chickens. Ms. Drouin noted she had to be talked into this because she wants to be a good neighbor and she does not want damage done to the property. They talked about all the features like electrifying and good building and property management. Ms. Simonds grew up on a very large farm. They will also have to answer to Ms. Drouin for the quality of their management.

BOARD ACTION – Diane Drouin for Richard & Becky Simonds:

MOTION: P. Oberhausen moved that the application be granted on the following basis:

1. The Ordinance specifically allows the use when a Special Exception is granted.
2. The specific site is appropriate for the use as the size and location of the specific area to be used is limited to that identified in the application and through this hearing.
3. No factual evidence is found that property values in the district will be reduced.
4. There is no valid objection from abutters based on fact.
5. No nuisance or hazard is involved.
6. Adequate and appropriate facilities will be provided for the animals.
7. There is adequate sewage disposal for the house.

And with the following conditions:

- A. Structures must otherwise meet all dimensional requirements of the Ordinance.
- B. Types of animals are limited to 20 chickens, 3 pigs, 1 goat, 1 sheep, 6 rabbits and 1 seasonal cow. However, at any one time the type and number of animals on the site is limited to those that can be housed totally within the approved area using minimum area standards as described in the UNH Best management practices. All waste must be removed on a regular basis or incorporated into their own compost/garden using agriculturally accepted methods. The occupants must try to abide by the housing and space guidelines for livestock as published by the UNH Cooperative Ext which will be used in all review/enforcement actions. The use shall incorporate all applicable Agricultural and Animal Management Best Management Practices.

P. Harris asked if there will be inspections of the use. C. Daigle noted staff can do that, however, that usually occurs only upon complaint.

The motion was seconded by N. Patten and carried unanimously. (5-0)

OTHER BUSINESS:

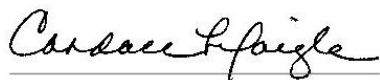
1. **Minutes:**

MOTION: On a motion by N. Patten, seconded by P. Oberhausen it was voted to accept the minutes of March 25, 2009 as written. (4-0-1 P. Harris abstained)

2. **Membership:** C. Daigle noted that P. Palombo is moving to Northfield so will no longer be an Alternate Member of the Board. She encouraged members to talk to people who might be interested in serving.
3. **Planning Board Joint Spring Meeting:** The members received an invitation to attend the Planning Board's spring joint meeting on May 11th at 6pm at the Corner Meeting House. Members will receive additional information prior to the meeting.
4. **Land Use Project List:** The members received a copy of the current Land Use Project List for review.
5. **Public Hearing Process:** The members discussed the proper time to close the public hearing portion of the meeting. Since the applicants are often asked questions or provide additional information during the Board's deliberation, the actual "hearing" should only be closed when all input is finished.
6. **LP Gas and densely developed properties:** P. Oberhausen noted that for several years he has been concerned about applications that come before the Board in developments such as Mallards Landing where dwellings are very closely located. His concern was validated during the recent "perfect storm" catastrophe in Alton where many seasonal dwellings were lost to fire at the Christian Center. He went to view the fire for that reason. It's quite a disaster scene. He also spoke to some of the Fire Chiefs. They recommended doing away with propane and using electric instead in such close quarters. After all, with seasonal dwellings the fuel is basically for cooking, not heat. The Laconia Chief said about 25 propane tanks exploded at the Alton scene. P. Oberhausen feels it's important to prevent such a situation in this town. He has suggested to some applicants that came before the Board that they consider electric instead of LP and some have made that switch. L. Couture noted she thought of P. Oberhausen's concern right away when the Alton fire occurred. The Board questioned whether they have the authority to prohibit LP use in such circumstances or to require that it be buried. C. Daigle will get input from the Fire Chief and Code Enforcement Officer.
5. **Adjournment:**

MOTION: On a motion by L. Couture seconded by M. Ford it was voted unanimously to adjourn at 8:10pm. (5-0)

Respectfully submitted,



Candace L. Daigle, Town Planner