

**MINUTES OF PUBLIC HEARING  
HELD BY THE PLANNING AND ZONING COMMISSION  
JUNE 5, 2017**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Andy Kidd, Vice Chairman  
Michael Stebe, Secretary  
Jessica Scorso

Alternate Member Sitting: Teresa Ike

Alternates: Julian Stoppelman  
Patrick Kennedy

Absent: Timothy Bergin

Also Present: Gary Anderson, Director of Planning  
Renata Bertotti, Senior Planner  
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 PM. The Secretary read the legal notice for the application when the call was made.

**KATHLEEN ARTEAGA – Request a zone change from Residence AA Zone to Rural Residence Zone at 278 Hackmatack Street. – Zone Change (2017-035)**

Ms. Kathleen Arteaga stated she had purchased the property last year and initially believed it to be zoned Rural Residence. Upon entering the contract, however, it was determined the property had changed to Residence AA eight years ago. Ms. Arteaga said her goal is to bring her horses home. In order to do that, the property's zoning must be changed back to Rural Residence, she said.

Ms. Arteaga described her property as 12 acres, mostly wooded, backing up to a large wooded empty lot. The applicant recognizes there are residences nearby; however, nearby owners do not have an issue with the zone change. Ms. Arteaga projected an aerial photograph depicting the church abutting their property as well as the proposed location of the horse barn, dumpster, and road.

In the next few years, the applicant intends to clear some of the wooded area, she said; there is currently a clearing which was utilized by the church as a baseball field. She also demonstrated where the pasture land would be located as well as the adjoining properties to the rear. Ms. Arteaga's plan is to leave a wooded area to act as a buffer between her property and the abutting residences, she said.

Mr. Prause questioned an area on the photo that the applicant states she is not planning on developing.

Ms. Arteaga pointed to the area, approximately 30 feet, which will remain wooded to prevent trespassers and to keep the property as secluded as possible. She stated that manure would be stored in a dumpster which would be removed once a month.

Mr. Prause asked about the number of horses allowed on Rural Residence zoned properties.

Ms. Arteaga stated that, to her knowledge, it is one for the first two acres and one every acre after that. She reiterated that she only needs room for four horses. At the present time, stated Ms. Arteaga, she owns two horses and she plans on adopting two retired horses.

Mr. Prause asked for clarification that in the Rural Residence Zone, the allowance is 13 horses on a 12-acre lot.

Ms. Arteaga stated she could have many horses, though that is illogical.

Mr. Prause commented that Ms. Arteaga stated the property had previously been zoned as Rural Residence. He inquired whether there are any properties in the area that are still Rural Residence.

Ms. Arteaga replied that most of them are Rural Residence; she referred to the photo and pointed to the neighboring properties which are zoned Rural Residence. She also pointed to the few properties that are zoned Residence AA.

Mr. Prause asked about the road proposed on the property.

Ms. Arteaga stated that it would be a dirt road that would run from the driveway to access the barn area and dumpster.

Ms. Scorso inquired of Staff as to the history of the property.

Ms. Bertotti replied that the parcel was zoned Rural Residence until 2009. At some point, an applicant proposed a zoning change to PRD, which was denied. Subsequently, said Ms. Bertotti, the same applicant proposed a different subdivision design requiring a Residence AA zone, which was approved in 2009. She stated the front of the property is abutted by Rural Residence zone, and the back is surrounded by Residence AA zone. Therefore, Rural Residence makes sense now, as did the Residence AA zone. The lot has significant grading and wetlands, she said, and in her opinion the subdivision was not built due to the housing crisis as well as the cost of building the road.

Ms. Scorso asked about the pre-application.

Ms. Bertotti stated there was a pre-application by Mr. and Mrs. Arteaga immediately after their house purchase. When the applicant purchased the property, according to what applicants stated during the pre-application discussion, it was their understanding they would be allowed to bring their horses onto their land, however the Zoning Officer informed them that was not allowed in Residence AA zone.

Ms. Scorso asked the applicant if the brook traverses their property.

Ms. Arteaga replied there is a brook and she had spoken with the Wetlands division regarding building in that location. She was informed that there would not be an issue in the proposed building area.

Mr. Prause questioned whether there would be fencing encompassing the property.

Ms. Arteaga replied that, due to the number of trespassers, they intend to set up a barrier which is intended to keep the property safe.

Mr. Prause stated that one consideration is in relationship to the Plan of Conservation and Development. This area of town is characterized as suburban, he said, and read the description of “suburban” from the plan: “Residential areas characterized primarily by single family homes, open spaces and public uses including churches, schools and parks. Streets may be curvilinear to match topography or in a grid pattern with large blocks. Residential blocks are landscaped and most streets have sidewalks on one side. Trees and other plants are numerous and provide shade. Net residential densities range from one to three units per acre.” He asked the applicant how this proposed change is classified as suburban.

Ms. Arteaga stated they intend to use only about one-third of the property, with the remainder wooded. She said it will not interfere with the neighboring homes or the church next door. The intent is to break off a small amount, Ms. Arteaga said, to enable their horses to be brought to the property. She stated it will not be a riding facility, there will not be boarding or lessons, and the property will not become a public area. It will be a private backyard barn, she said.

Mr. Prause confirmed that there will be quite a bit of open space on the property.

Ms. Arteaga agreed and stated they do not have the funds to clear the property in order to use the entire property. It is their intent to use what is available, mainly in the currently cleared area, for a barn and paddocks.

Mr. Fernando Arteaga, the applicant’s husband, stated that a forestry expert informed them there are many dead trees which require removal. It is their intent to use the already-cleared area, and he stated that having the horses on their own property would save the family money.

Mr. Kidd asked about the comment regarding retiring horses.

Ms. Arteaga explained that her two horses are a mare and a stallion, which cannot stay together. The retiring horses are also a mare and a stallion, which would provide companionship for their current horses as they are herd animals, she said.

Mr. Kidd pointed out that horses on the property are restricted to private use. He asked if Ms. Arteaga would rent out stalls and have lessons.

Ms. Arteaga stated she would be adopting the two retiring horses. She said she works full time and has a child, and she has no intent to do anything other than housing her own horses.

Ms. Bertotti pointed out the zone change will allow all of the uses enumerated in her memo to be either permitted or Special Exception uses and all are typical uses in a Rural Residence zone. She reiterated that this property, until eight years ago, was zoned Rural Residence. Ms. Bertotti clarified that the number of horses may be higher than the applicant stated. She said essentially

it is one horse per half acre. The applicant's property, Ms. Bertotti stated, could have up to 24 horses; however, the land may not support that number, it may not be feasible, and this appears not to be Ms. Artega's intent. If the barns or stables disturb wetlands, the applicant would require a wetlands permit. If a half acre of land is disturbed, the applicant may be required to file an erosion and sedimentation control plan. The requirements will depend on what the disturbance involves, Ms. Bertotti explained. She said that residential lots which are part of a previous subdivision do not always require an erosion control plan approval. In this particular case, Ms. Bertotti stated, she suspects that with the proposed amount of disturbance, the applicant would need the erosion control plan related to potential wetlands applications, although she could perceive instances where the applicant would not need to come before the Commission.

Mr. Prause stated he remembered the PRD application and questioned whether the lot was always oriented in the current pattern.

Ms. Bertotti stated the lot has always been the same. She also said that there is a steep section of topography not far from the access drive and wetlands cutting across.

Mr. Prause asked if there were any public comments and there were none.

**MOTION:** Mr. Stebe made a motion to close the public hearing. Ms. Ike seconded the motion and all members voted in favor.

The Chairman closed the public hearing at 7:25 P.M.

I certify these minutes were adopted on the following date:

July 5, 2017

\_\_\_\_\_ Date

\_\_\_\_\_ Eric Prause, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.**