

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
SEPTEMBER 9, 2020**

VIRTUAL MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Michael Stebe, Secretary
Jessica Scorso
Jessica Poland

Alternate Members Present: Julian Stoppelman
Teresa Ike

Absent: Bonnie Potocki

Also Present: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
David Laiuppa, Environmental
Planner/Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Public Hearing at 7:00 P.M. The Secretary read the legal notice when the call was made.

MANUEL FERNANDES - To change the zoning of the addition of land to 534 Keeney Street from Residence AA to Rural Residence zone, to match the existing zoning of 534 Keeney Street. – Zone Change (2020-050)

Ms. Debby Demaria introduced herself, stating that she was speaking on behalf of her father, Mr. Fernandes. Ms. Demaria explained that they are seeking the zoning change of their recently-purchased property at 520 Keeney Street to match 534 Keeney Street.

While reviewing the plan, Mr. Prause sought confirmation of the delineated lot line revision. He questioned the need for the zone change and which activities need to be preserved. Mr. Prause questioned the plan for the recently-purchased land.

Ms. Demaria detailed the total parcel and explained the lot line revision. She reported that they raise livestock, have bees, and grow hay for the livestock. Ms. Demaria explained how the property is to be utilized.

Ms. Pilla reported that there are no technical comments from Staff. She remarked that the application being considered is for the zone change, not necessarily for any specific activities.

After a question from Mr. Prause, Ms. Pilla noted that this will extend the border of the Rural Residence zone to the north, and she delineated the line on the map.

Ms. Demaria stated that the lot is land-locked.

Mr. Stoppelman questioned an area of the map that Ms. Pilla confirmed is wetlands. In his opinion, the only logical use of the property is farmland.

Ms. Tiffany Hoang, 82 Briarwood Drive, introduced herself. She made a brief statement regarding her concerns about the effects of the livestock.

Ms. Carol Urick, 74 Briarwood Drive, introduced herself. Ms. Urick reported that she is concerned about the future if Mr. Fernandes sold the property. Additionally, she inquired whether there will be a barn built on the site.

Ms. Pilla read the full statements from area residents: Mr. Jeff Lamb, 50 Briarwood Drive; Mr. Matej Rutar, 95 Briarwood Drive; Mr. and Mrs. John and Anne Norton, 109 Briarwood Drive; Ms. June Pinkin, 22 Santina Drive; and Mr. and Mrs. Kyle and Tanya McNamar, 96 Briarwood Drive.

Ms. Demaria explained that they are asking for the land to be returned to its original zoning. Regarding the smell, there are only eight cows and the applicant has no plans to expand. She added that there are only eight cows over four acres, and they have spread wood chips to reduce the odor. The fill added is toward the east side of the property and is not near the wetlands, and it was placed to level the area and plant hay to feed the livestock. Ms. Demaria displayed pictures of the fence, which was permitted.

Mr. Manuel Fernandes, the owner of the subject property, assisted Ms. Demaria in the narration of the pictures. He reported that Mr. Laiuppa had visited the property before the fill was dumped and stated that area for the fill was fine. Mr. Fernandes informed the Commission that he did not cut any trees because the animals need the shade.

Ms. Demaria added that they have built a barn on the 534 Keeney Street lot, and the cows spend their time in the summer near the barn in the shade. She noted that there are no plans to build any structure. Ms. Demaria commented that she and her siblings help run the farm with her father and the plan is to continue to farm for many, many years. Regarding the bees, it is required that they be at least 100 ft. from neighboring properties, with which they comply.

Ms. Poland pointed out that, in one of the letters, there was a comment about water drainage between the homes.

Mr. Fernandes replied that water from the neighbors' swimming pools drains onto his property. He also commented about trash that has been dumped on his property.

Mr. Laiuppa stated that the property mentioned in the letter was actually the Keeney property that had been cleared for strawberries.

Mr. Prause stated that, when the Commission has dealt with similar issues in the past, there have been questions about waste management schedules. He asked how waste is managed on the property.

Mr. Fernandes reiterated that the eight cows are on four acres. He stated that he will never have more than eight cows.

Ms. Demaria stated that they have never had waste removed from the property. She noted that they will spread the manure every spring for the hay.

Mr. Prause stated that he appreciated the comments from the neighbors. He reiterated that the Commission is only approving the zone change, not a site plan. Mr. Prause added that topics such as potential structures, how bees are kept, and the amount and types of livestock are dictated by zoning regulations and town ordinances.

Ms. Kathy Hoang, 90 Briarwood Drive, introduced herself. She stated her concerns about the possible increase in vermin and pests due to the livestock on the property. Increased odors would also impact their ability to enjoy their yard, according to Ms. Hoang.

Ms. Carol Urick reported that she was so happy to hear the details from Ms. Demaria. Acknowledging that she and her neighbors were initially afraid when they heard the plan originally, she now believes that a farm is preferable to having houses built there.

Ms. Tiffany Hoang seconded Ms. Urick's comments and thanked Mr. Fernandes and Ms. Demaria for their information.

Mr. Rutar commented that he is comforted by the applicant's plans. However, once it is zoned Rural Residence, it will stay Rural Residence. In his opinion, it is a large change to people who purchased their homes expecting to live in the neighborhood and will affect other properties around Manchester. Mr. Rutar noted that, when they purchased their home, they believed the property would have been kept as open space. He did not believe that the applicant's purchase of additional property with the intent of using it for farming is a reason to change the zoning for them. He stated that, regarding the bees, they must be kept 100 ft. from an abutting structure in a Rural Residence zone, though if the zone is residential, the bees must be farther away. Anyone with a pool in their backyard will have the bees drawn to it, in his opinion.

Ms. Demaria thanked everyone for their comments. She added that 534 Keeney Street has been farmed for many years. It was the applicant's understanding that, with the purchase of the abutting property at 520 Keeney Street, it would automatically be zoned Rural Residence. Ms. Demaria stated that they submitted their application as soon as they learned of the zoning issue.

Mr. Fernandes commented that he has tried to preserve farmland and keeps the property maintained. He added that they are not trying to commercialize their farm.

Mr. Prause, noting a comment from Ms. Demaria, questioned when the zone change occurred in the past.

Ms. Demaria stated she does not have that information.

MOTION: Mr. Kennedy moved to close the public hearing. Mr. Stebe seconded the motion and all members voted in favor.

The public hearing was closed at 8:10 P.M.

I certify these minutes were adopted on the following date:

September 21, 2020

Date

Eric Prause, Chairman

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