

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
LINCOLN CENTER HEARING ROOM
SEPTEMBER 18, 2012**

MEMBERS PRESENT: James Stevenson, Chair
Albert Gionet, Vice Chair
Robert Haley, Secretary
Edward Slegeski

ALTERNATES PRESENT: Armando Darna (sitting)
Sandra Stough

ABSENT: Michael Stebe

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Renata Bertotti, Senior Planner
Ginger MacHattie, Recording Secretary

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

SCOTT & MICHELLE SMITH – application #2012-094 – request a variance to Art. II Sec. 1.03.05(a) to install an 8’ high section of fence up to 70’ long (6’ permitted) in the side yard at 122 Benton Street, Residence A zone.

Mr. Scott Smith, 122 Benton Street, said he is requesting a variance for an 8’ fence due to issues with his neighbor. There has been police involvement. He said his son is four years old and has had his picture taken by the neighbors. Mr. Smith has a deck off the back of his house and a 6’ fence would still allow plenty of view from the neighbors while the family is on the deck. He said his son is scared of the neighbors and he is only trying to protect his family. Mr. Smith said the rest of the neighbors have no problem with the fence.

In response to questions from Mr. Gionet, Mr. Smith said the deck height is 3’ and it is 15’ to 20’ from the side property line. If the family is on the deck, he has a concern with privacy because the deck is up higher than the ground and the neighbors can see over the fence to the deck. The neighbor does have a deck, but it is within the “L” of the house; the Smiths can only see their railing. He said the neighbor’s home looks like a two family and does have two electric meters. Mr. Smith thinks the home has approval for an in-law apartment, not as a two-family dwelling. There is a buffer between the vacant part of the two-family house and the neighbor, but the driveway splits the two yards and there is quite a bit of traffic in and out of their house.

In response to a question from Mr. Haley, Mr. Smith said he has no problems with any of the other neighbors and does not feel the need to put a fence on the other side of the yard. Mr. Smith confirmed that there is a gate wide enough for a mower.

In response to a series of questions from Mr. Haley, Mr. Smith confirmed the neighbor's property is higher than his own and the size of their garage blocks the view of the back yard. His concern is when they are behind their garage looking into the Smith's yard.

In response to a question from Mr. Slegeski, Mr. Smith said he did not know if there have been other photographs taken other than when the police were called. Mr. Smith added that when his son is outside and the neighbors come outside he wants to go inside immediately.

In response to a question from Mr. Slegeski, Mr. Smith said the 8' fence might put his son at ease. He did say his son wouldn't know the difference between a 6' or an 8' fence, but it will make a difference when his family is on the deck.

In response to questions from Mr. Gionet, Mr. Smith said the arch is in the brochure, but he will not be getting the arch. The section of the house closest to his yard is vacant; the neighbor lives on the other side of the house.

In response to questions from Mr. Stevenson, Mr. Smith said the deck is approximately 3' high and his yard is slightly lower than his neighbor's yard.

Mr. Stevenson asked if any member of the public wished to speak either in favor of or in opposition to this application.

Mr. Don Fortes, 130 Benton Street, said there is no reason, aesthetically, that an 8' fence would take away from the neighborhood. He babysits frequently for the Smith's child; he is a wonderful child. Mr. Fortes said he has seen the child want to go inside when the neighbors come out. He said he would do the same thing as a dad.

Mr. Richard Zakrzawski, 183 Green Manor, East Hartford, is opposed to this application. A 6' fence will keep the four year old safely in his own yard so he will not get hurt. The photography was a one-time incident. His daughter occupies the house and she is 5'4"; she cannot see over a 6' fence. Mr. Zakrzawski said he is opposed to the application because his view will change dramatically. Since he found out about this application, he has looked around Town and has not seen an 8' stockade fence anywhere. As far as the police report is concerned, he finds it hard to believe the police would respond to a report of people taking pictures. He said the pictures were taken at his request because of some issues with branches. Mr. Zakrzawski described the issue and said he told his daughter to document all issues with the Smiths. An 8' fence is ridiculous and he does not want to see one that high.

Ms. Bertotti said Town staff has no outstanding technical comments.

Mr. Gionet verified that if a 6' fence were being placed on the property, this matter would not be before the Board and was answered in the affirmative.

EDDY CLAYTON – application #2012-097 – appeal to the ZEO’s order prohibiting livestock on the property under Art. II Sec. 1.03.03 and request a variance to Art. II Sec. 4.01 to allow the owner to keep livestock at 159 Thompson Road, Residence A zone.

Mr. Eddy Clayton, 159 Thompson Road, is requesting a variance to keep his family pet, a pot belly pig. He said his pig is not livestock. The pig has resided at his house for the last four years; he raised it since it was 9 weeks old. There is precedence all over the country, he said. This pig knows no other life other than him and his wife as its parents. It is a clean animal that is taken care of daily. Mr. Clayton said this pig is no different than any other pet. Dogs run loose in his neighborhood, yet nobody is trying to get rid of them. Every one of his neighbors signed a petition in support of Mr. Clayton being allowed to keep his pig. Oliver is inconspicuous. Neighbors love him and have no problem with him. No structures were built to change the character of the neighborhood for Oliver. He said it would be an undue hardship to get rid of this pet. This action is totally unnecessary and is the result of an argument over a car title. The person that complained knew about the pig the entire time he has lived with the Claytons.

In response to several questions from Mr. Haley, Mr. Clayton said the pig goes to a veterinarian and has had all blood tests. He explained that pigs do not get the illnesses that humans get. The pig is full grown and is between 80 and 90 lbs. A typical farm pig is 275 lbs. at 6 months; Oliver was 30 lbs. at 6 months, he said.

In response to several questions from Mr. Gionet, Mr. Clayton explained that Oliver is a neutered male and cannot be bred. He only eats two cups of food per day. He never leaves the yard.

In response to two questions from Mr. Gionet, Mr. Clayton said the pig’s “restroom” area is cleaned up daily. He makes little noise, just grunts.

Chairman Stevenson asked if any member of the public wished to speak in favor of or in opposition to this application.

Ms. Victoria Dagenais, 85 Cherry Drive, said Oliver makes no undue noises and there have been no neighbor complaints. Nobody was even aware of Oliver.

In response to a question to Mr. Haley, Ms. Dagenais said Oliver has never been aggressive.

Ms. Bertotti said there are no outstanding staff comments.

Mr. Haley asked for a clear cut definition of livestock.

Ms. Bertotti said Manchester’s zoning regulations do not have a clear cut definition.

Mr. Davis added that there is no definition for livestock or domestic animals. He distributed various definitions of domestic animals and livestock that he found after doing some research.

Mr. Stevenson commented that the Planning and Zoning Commission may need to make some changes and define livestock and domestic animals.

The public hearing portion of the meeting was closed at 7:50 p.m.

I certify these minutes were adopted on the following date:

October 24, 2012
Date

James Stevenson, Chair

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

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