

The Public Hearing opened at 7:04 PM.

MEMBERS PRESENT: Doug Dubitsky (Chair), Pete Fiasconaro (Vice-Chair), Randy Godaire, Dave Garceau (online), Ken Fortier, Helen Weingart, Alternate Peter Haines, Alternate Dan Pearce.

MEMBERS ABSENT: Eric Beer, Alternate Bill Ireland.

ALTERNATES SEATED: Seat Peter Haines for Eric Beer.

ALSO PRESENT: Zoning Enforcement Officer (ZEO) Jay Gigliotti, First Selectman Juan Roman, Selectman Joe Pinto and Recording Clerk Kathleen Scott.

D. Dubitsky read the Legal Notice that was published twice in the Willimantic Chronicle. Application materials are available at the Chaplin Town Hall, on the website and by appointment.

SUBJECT OF HEARING:

SP21-161-242 Tower Hill Rd – Liz & Shawn Hunter – Special Permit Application for Limited Farm:

The ZEO reported that the Commission has 65 days from the close of the Public Hearing to make a decision (can approve, deny or approve with conditions). The application is for a Limited Farm provision in the regulations recently adopted in May 2021 under Section 5.2a3. Notice has been given to all statutory and regulatory landowners that the zoning regulations require (there are no notice requirements for abutters in provisions of application or in state statute unless adopted by the PZC (has not been done). The application is complete and all fees are paid.

The hearing was opened for public comment.

Applicant Liz Hunter has 3-1/2 acres on Tower Hill and spoke about wanting to bring their horses home to ride for their pleasure only by building a low-profile barn far enough away from the brook to maintain the quality. The plans include a manure composting system (680 feet from the brook and 100 feet away from abutters). It will be a 3-bay concrete pad with concrete walls, 8ft x 8ft x 4ft sections, rotating system (turning one section while working on the other), will include filter strips and downspouts for diversion where necessary for runoff. All activity will be in the top half of the lot and the buffer around the brook won't be disturbed.

- K. Fortier asked how far the barn is from the back edge (690ft to 700ft), if the paddock area is pastured (is a dry lot with filter fabric topped with stone/sand/gravel mix) and if there will be any pasture (no pasture, the horses have been on a dry lot their whole life)
- P. Haines asked about the size of the barn (32ft x 34ft with 4 - 12ft x 12ft areas (3 stalls, 1 tack/feed room) and 2 – 10ft x 10ft areas (1 hay storage, 1 paddock).

Public comments in favor of the application for a Limited Farm: None

Public comments opposed to the application for a Limited Farm:

- David Angell of 188 England Rd feels a farm should be more than 5 acres (horses need to run).
- Leslie Ricklin of 138 England Rd expressed concerns with runoff into Stonehouse Brook that runs into the Natchaug that is the town's greatest resource. Vermont had a huge problem with cow manure running into a lake.

- Linda Roman of Singleton Rd spoke about the many studies regarding manure not polluting waterways and ground water and that the quality of life for a horse is dependent on food, shelter and room to run.
- Lisa Rose of 202 Tower Hill Rd expressed concerns about Stonehouse Brook and the Natchaug.
- Bill Rose of 202 Tower Hill Rd referred to the regulations regarding their purpose (promote public health and safety) and the site development plan that is missing some dimensions. He also expressed concerns about runoff with contamination from the manure that contains nitrogen and growth stimulating stuff running through his and his neighbor's property (horses on this property previously that prompted a zoning change were removed due to blight) and the negative impact to the Grand List from an ordinance for a farm exemption for buildings and machinery.
- Chris Rose of 232 Tower Hill Rd since 1988 expressed concerns about no longer being able to enjoy his backyard pool and deck with a horse farm next door.
- Karen Carrancio of Cedar Swamp Rd expressed concerns with the property not having enough acreage for a healthy horse to live on (inhumane). Horses are very connected to people (need to think about their needs).
- Joe Pinto of Cedar Swamp Rd expressed concerns with granting the special permit and would like to hear more information.
- Guy Vertefeuille of 222 Tower Hill Rd since 2006 expressed concerns with flies and the runoff that drains quickly into the brook that is very special to the town.
- Adele Swart of 246 Tower Hill Rd since 1969 likes to be a good neighbor but expressed concerns with no longer being comfortable outdoors with horses and manure and everything that goes with it (flies, mosquitos, the smell) and no limit on the number of farm animals.
- Chris Gallo of 244 Tower Hill Rd expressed concerns about a barn and manure paddock on a higher elevation that would be right outside his bedroom window, the loss of privacy, flies and the smell and water contamination (well is 110 ft to the property line).
- Gail Gallo of 244 Tower Hill Rd expressed concerns about no longer being able to entertain outside on the deck near a manure pile and bin full of waste, the use of a pesticide that is toxic to fish, cutting down trees, a very small horse paddock on a slope and large buildings for a barn and manure.
- Scott Matthies of 177 Ridge Rd commented that what you do to your property affects your neighbors and farms should be for 5 acres or more. He also expressed concerns with 3 horses on 3-1/2 acres (typically 2 acres for 1 horse/1 acre for any additional horse), negative impact to vegetative buffers and the brook by future owners making changes closer to the wetlands, climate change that may cause more surface flow.
- Donald Lakin of 95 Northbrook Rd (horse owner with 74 acres that runs into Chaplin) does not feel the applicant's plan is sufficient for the Commission to make a determination. He also expressed concerns about where the runoff from the roof and manure with potential contamination would go and strongly encouraged the Commission to do a site visit. Stonehouse Brook has been identified by DEEP and is monitored regularly. He supports the Right to Farm Act (with that right comes responsibility).

D. Dubitsky reported that the application is in compliance with the Zoning Regulations for a Limited Farm (less than 5 acres) subject to a Special Permit. The Commission can set conditions that includes: limiting the number of animals, limiting the location of certain things and the building of certain structures. Failure to adhere to the conditions would cause the special permit to be revoked. A farm with 5 acres or more would have no limitations per zoning regulations regarding the husbandry of horses. This is not a variance application. The Inland Wetlands Commission deals with the cutting of trees.

- Juan Roman of Singleton Rd who owns horses expressed concerns about 3-1/2 acres for 3 horses (2 acres per horse is a healthy environment to move around and exercise).
- Leslie Ricklin of 138 England Rd is very impressed with the knowledge and testimony of her fellow citizens and suggested the Commission consider the long-term with future owners as well as the short-term.
- Linda Roman of Singleton Rd clarified that manure itself won't pollute the waterways, it's the runoff from worming, chemicals and medicine in the manure that will pollute the waterways and wells.

- Bill Rose of 202 Tower Hill Rd referred to the zoning regulations regarding uses required for special permits. He also expressed concerns with runoff that will run downhill through his property and surrounding neighbors to the wetlands that feeds into the brook, the runoff including seeds from the hay not processed by the horses is full of invasives and an incomplete plan for manure removal.
- Chris Rose of 232 Tower Hill Rd expressed concerns with the horse barn being 61ft from his pool, the odor and flies, horses turning the area into a mud hole and the property being too small for 3 horses.
- Scott Matthies spoke about the wetlands buffer being geared more towards agricultural rather than environmental qualities.
- Donald Lakin presented a 3-page document from the US Environmental Protection Agency regarding the environmental hazard of the pesticide (Pyranha Misting System) that will be used is extremely toxic to fish.
- Guy Vertefeuille of 222 Tower Hill Rd expressed concerns with runoff through his property and his neighbor's property downhill through wetlands to the brook with no other way to go.
- Gail Gallo of 242 Tower Hill Rd expressed concerns with approving the application and the current owners realize the property doesn't work for them and moves. Future owners will be able to have farm animals.
- Chris Gallo of 242 Tower Hill Rd asked the Board to consider that the neighbors directly affected are not on board with a limited farm.
- Bill Rose of 202 Tower Hill Rd spoke about he and his neighbors being active shooters (the horses won't be happy) with target practice done in a legal manner. He also asked if the approved subdivision map limited construction applies to barns.
- Donald Lakin asked if the plot plan submitted is in compliance with the requirement that it be submitted by a licensed surveyor (not necessary in this instance).
- Applicant Liz Hunter is very concerned with the other concerns raised at this hearing. The horses are retired racehorses that have been in a limited space for a long time and are exercised regularly. Flies and smells have been kept at a minimum with no complaints and impeccable cleanliness (the horses are currently on a property in a residential neighborhood with a daycare). The heat generated by composting kills flies and bacteria, seeds and undigested grains. The roofs, barn, and composting site will have gutters and downspouts. Native plantings will be used on the lot line for abutters. The Manure Management plan has a 3-bay system that is turned (needs air and water), tarped when it rains with the end product taken by farms off site.
- K. Fortier asked about the large paddock area turning into a mud hole (will be prevented by covered fabric) and if there is enough room to move around.
- Applicant Shawn Hunter commented that he will try to level the paddock area, there is plenty of room to move around and he wants to keep some trees for the horses.

ZEO J. Gigliotti reported that the submission requirements for a site plan exemption for agricultural use does not require a survey. If there is a site walk, the Public Hearing would need to continue to be kept open. A variance would run with the land and a special permit would stay with the applicant. This application is for use only and not a variance (other permits are a separate process). Would need to review the minutes from 1987 for any restrictions on limited construction in the Subdivision plan (ZEO will check on).

- Scott Matthies of 177 Ridge Rd spoke about the agricultural exemption permitted use as of right on any structure that is essential to the farming operation.
- K. Fortier would like to see a site walk done to do justice to this application (greatly impacts neighbors).

Motion to continue the Public Hearing (8:28 PM) until the next meeting on January 13, 2022, by K. Fortier, seconded by Pete Fiasconaro. All in favor, motion carried.

Respectfully submitted by,
Recording Clerk Kathleen Scott