

MINUTES

Zoning Board of Appeals Meeting – June 16, 2020
115 Pleasant Street, Via Zoom.
Gardner, MA 01440

Sitting in on Hearing:

Raymond LaFond
Randall Heglin
Michael Gerry

In Attendance:

Roland Jean
Rachel Taylor
Mel Cornett
David Antaya
John Soroka-Applicant
Steve Rockwood
Cathleen Profit

Meeting Called To Order by Chairman Raymond LaFond at 6:00 p.m. Mr. LaFond went over the ground rules for Zoom meeting and how the proceeding where to take place, stating “In pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner Zoning Board of Appeals will be conducted via remote participation and on the City’s YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City’s website as soon as possible after the meeting. Since this meeting is being conducted via Zoom, all votes taken will be by roll call and all participants to raise their hands to be recognized”. Mr. LaFond explained and the requirements that must be addressed for a variance or special permit. He then noted that the meeting was being streamed live to YouTube, and requested if anyone objected. There were no objections.

<u>Case No.</u>	<u>Case Type</u>	<u>Case Description</u>
2019-03-03	Special Permit	325 West St/ John Soroka raise Poultry.

Case # 2020-03-03: John Soroka’s application to raise poultry and construct a chicken coop at 325 West St, Gardner, MA Parcel ID # M27-12-47, located in the Single-Family 1 Zoning District (SFR1) is denied as it does not comply with Chapter 675- 410 of City Code of Gardner. The “Table of Uses” states that your use requested, Line # 12 ‘Agricultural use, nonexempt’ requires a “Special Permit” (SP) issued by the Gardner Zoning Board of Appeals.

Mr. LaFond thanked all present for their patience regarding the rescheduling delays of this meeting from March due the Covid-19 Pandemic. This will be the first remote meeting for the Zoning Board. Mr. LaFond opened the floor to Mr. John Soroka to present his case.

Mr. Soroka of 325 West St, Gardner. Representing himself stated he currently has 4 chickens for the purpose of egg laying. He has spent many hours caring for the chickens and has done extensive work to procure them a safe and aesthetically pleasing habitat. Mr. Soroka asked the board if they had the photos he had supplied so they could see what the enclosure looked like. Mr. LaFond confirmed he had the pictures needed. Mr. Soroka stated the coop is located 100ft (+/-) from the street and he has no intention

of enlarging the enclosure in the future. The chickens are kept for the sole purpose of supplying eggs for his family, the yard is roughly 1/3rd of an acre and the coop sits 100ft (+/-) from Albion St. Mr. Soroka states he was unaware he was not allowed to keep chickens in his zoning area, until building commissioner Roland Jean informed him of such rules.

Mr. LaFond enquired about the location of a shed on the property as from the property plan provided it seemed the shed was extremely close to the boundary line on Albion St, and Mr. Soroka's property. Mr. Soroka clarified that the plans make it look like the shed is much closer than it actually is and the shed is actually located 25ft from his home and over 80ft from the property line on Albion St.

Mr. LaFond made it clear that when applying for a special permit 9 items that must be addressed to the best of his ability. The question was asked if there were any other properties close to Mr. Soroka's that also have chickens past or present?(1) Mr. Soroka confirmed that there were other chickens within a mile radius but they were often loose in the properties yards. Mr. Soroka keeps his chickens confined for their safety. (2)There is no traffic going into or through the yard where the chickens are kept so there is no issue in regards to vehicle or pedestrian traffic. (3)Space for loading was also not an issue as the only loading would be for the grain which is kept inside the house and kept in small containers. (4)The waste which comes from the chickens is minimal. Mr. Soroka is in the process of creating a compost area to further aid the waste disposal.

Mr. Heglin asked what amount of waste is produced by the four chickens per day. Mr. Soroka stated less than a bowl full a day and it is disposed of daily. Mr. Heglin questioned what was used for bedding inside the enclosure. Mr. Soroka informed the board that he has hay and wood chips inside the internal coop for the chickens comfort and on the outer areas he has a sand base to keep the birds cool and a small area of grass for them to play in. This is all fenced in so the chickens cannot wander around. Mr. LaFond pointed out that chickens eat ticks.

(5) There are no outside lights. (6) No inconvenience to neighbors or abutters as the chickens are always in the enclosed coop area or in the portable pen in the yard. Mr. LaFond asked about water and drainage, but there is not water connected to the coop and the water used daily for the birds comes from the house and is carried to the coop via buckets by Mr. Soroka manually.

Mr. LaFond asked if there was any problems with neighbors and had Mr. Soroka spoken to his abutters in regards to issues with keeping chickens. Mr. Soroka confirmed he had spoken to the neighbors and all were content with him owning chickens. A gentleman on Albion St, had asked about getting some for himself. The only complaint Mr. Soroka had ever had was a when he first had the birds, before the coop was completed, the chickens had wandered through a small gap in the fence on Albion St. A lady from a street over had questioned why they were loose.

Mr. LaFond asked if the birds were still allowed to roam free. Mr. Soroka insisted they were not. The birds are kept inside the coop or occasionally they are placed in another large pen in the yard which is portable.

Mr. LaFond stated question #7, 8 and 9 were not applicable. Mr. Heglin and Mr. Gerry agreed.

Mr. Soroka offered to have his girlfriend show the members around the coop and yard via her phone virtually so the board could see the conditions in which he was keeping the birds, and the location of the structure. Mr. LaFond agreed to see the property.

Mr. LaFond asked if there was any City representative present and if there were questions. Mr. Roland Jean, City building Commissioner was present and asked if there was a Rooster present or if there was an

intention of a rooster in the future. Mr. Soroka strongly stated there will be no rooster(s). He wants to keep the flock small and doesn't want the noise that would come with a rooster. Mr. LaFond asked that should not having a rooster be made a condition of the appeal would it be acceptable. Mr. Soroka agreed.

Mr. LaFond opened the case to the floor for questions from Abutter's, phone callers or opposition. None were present or opposed.

Mr. LaFond then opened to questions from the board.

Mr. Heglin had further questions about the fence and how the chicken had gotten out earlier in the year. Mr. Soroka explained that there is a picket fence on West St, which runs the length of property, there is a chain link fence that runs along Albion St with a gap before by the picket fence. This was the gap which the chicken had gotten through. The birds are no longer free roaming at any time so this will not happen again.

Mr. LaFond asked how many chickens are kept on the property to which Mr. Soroka answered 4.

Mr. Soroka has no intention of expanding his flock with more chickens at this time.

Mr. LaFond clarified that there is No rooster, the coop is cleaned daily and there is only 4 birds.

Mr. Soroka confirmed that to be correct.

No further questions.

Mr. LaFond stated that no site visit was necessary and in fact he and Mr. Gerry had driven by the property and seen the location of the coop.

Mr. LaFond proposed to approve the appeal with the conditions of No Rooster, only 4 chickens and that the must be contained in the coop at all times. The portable pen is also acceptable.

Mr. Gerry amended this to a 6 chicken limit as more may be wanted as the birds age.

Mr. Heglin agreed.

Ms. Cathleen Profit of 61 Jean St, girlfriend of the applicant, offered to give the board a virtual tour of the yard and coop. Ms. Profit showed the board members around the property via her phone and close up the facilities of the coop. It was clearly shown the coop was large and well maintained. The floor was a sand base with a small grass area. The structure itself was pleasing to look at and had two egg laying boxes for the birds. There was plenty of room for the birds to wander around while confined to the coop.

Mr. LaFond made a motion to close the hearing and move to decision.

Decision was made to approve with the conditions that there be no Rooster(s), the chickens will not be allowed to roam free and that no more than 6 chickens may be kept at the property.

No further comments.

Mr. LaFond called the vote via roll call, to which the board voted unanimously in favor of the special permit appeal.

Special Permit was granted to Mr. John Soroka to raise poultry under the conditions of no rooster(s) allowed no more than six chicken at a time and that the birds be contained at all times.

Mr. Soroka was informed he will receive a letter from the board with this decision, he will need to file this letter with the Registry of Deeds. Mr. LaFond stated that this portion of the Public Hearing was closed

All attendees were informed they were free to leave the meeting.

Minutes from prior meetings will be signed this week.

Mr. LaFond asked the question of which case's we should have a hearing for next as we need to work through he back log with have from the shutdown.

Mr. Heglin stated we should work through the cases by date submitted. This was agreed by all board members and the decision was made to schedule case # 2020-03-01 102 Vernon St/Add unit and case #2020-03-02 497-505 Chestnut St/Smoke Bar. This meeting will be scheduled for July 7that 6pm via Zoom.

No further business coming before the board, a motion was made, seconded and voted to adjourn.

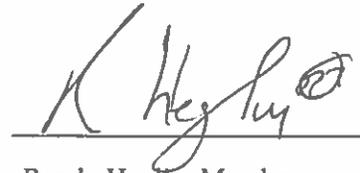
ADJORNMENT OF MEETING @ 6.54PM



Raymond LaFond, Chair



Michael Gerry, Clerk



Randy Heglin, Member