

Town of Stafford  
Planning & Zoning Commission  
Special Meeting  
November 5, 2020  
Senior Center – 3 Buckley Highway

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Members Present: Dave Palmberg, Chair  
Rich Shuck  
Ron Houle  
Cindy Rummel  
Chris Joseph, Alternate

Also Present: David Perkins, Zoning Enforcement Officer  
Leonard Clark, Alternate, attended remotely via Zoom  
Susy Cadieux, Applicant, attended remotely via Zoom  
Public

### **Public Hearing**

Special Use Permit: Sections 7.4.E.3 Keeping of Poultry in A, B, and C Zones  
Applicant & Owner: Susy Cadieux; Location: 8 East Street, Stafford, CT  
Map 51, Lot 155, Zone A

Dave Palmberg, Chair opened the public hearing at 7:05 p.m. Cindy Rummel read the legal notice. A quorum was established with Dave Palmberg, Chair; Ron Houle, Rich Shuck, Cindy Rummel, and alternate member Chris Joseph was seated for Lorin Dafoe.

Susy Cadieux, the applicant, said she wants to have a 12 foot by 24 foot fenced area with a small chicken coop in the center. The coop and fenced area is 58 feet off one neighbor's property and 30 feet off another neighbor's property. The area is surrounded by woods creating a visual buffer.

Dave Palmberg asked how high the fencing is. Susy Cadieux said it is 7 feet high and covered on top during the winter to protect the chickens from possible snow. Cindy Rummel confirmed this property is in Zone A. Ron Houle asked about the compliance issue. Susy Cadieux explained that she had originally built a coop in another corner of her property and she had a rooster at that time also. The neighbor on that side complained about the noise from the rooster, and that was when she learned it was also too close to the sideline. She decided to leave that coop where it was, but use it instead as a shed. She built a new coop that meets zoning regulations regarding setbacks and she no longer has the rooster.

Rich Shuck noted that the zoning regulations require that the fencing needs to be covered year round. Susy Cadieux explained that there is chicken wire on the top of the coop, so it will be covered year round. Dave Palmberg said it appears this proposal meets zoning regulations as the applicant has over two acres of land with six chickens and it meets setback requirements. David Perkins asked if there is an outside run area. Susy Cadieux said, yes, that is what the fenced area is and the coop is in that fenced in area.

The public was invited to comment. Charles Gray, owner of the home closest to the coop and run area, asked why the original plan submitted showed a different location for the coop/run. He said the original plan showed it to be 27 feet east of the stone wall, but now it is all the way back near his house. He said he was curious about the buffer and asked what happens when chickens get loose and roam onto his property. He noted that they got loose this same day. He also noted he can see them from his bedroom window.

David Perkins said chickens should not be allowed to trespass on others' property. He said chickens tend to roam and it is the responsibility of the owner of the chickens to keep them contained on their own property. Dave Palmberg noted there is some vegetated buffer between the two properties.

Brian Scussel of 5 Orchard Street said the neighbor has not been keeping the chickens from roaming and they have been found doing so at least four or five times.

Susy Cadieux said she was new in town and was not aware that chickens were not allowed to roam. She did not see it in the regulations. She said chickens eat bugs and ticks and worms, so she occasionally lets them free on nice days to roam and eat. She apologized and said she will not let them out anymore. Rich Shuck read the zoning regulations regarding poultry. He said because the regulations require that there be a fenced in play yard and a complete enclosure on all sides including the top, he believes the intent of the regulations is that poultry must be contained on the owner's property. Dave Palmberg said she could also enlarge the chickens' fenced in area so long as it meets the setback requirements.

There were no other questions or comments. Rich Shuck made a motion to close the public hearing at 7:30 p.m., seconded by Chris Joseph. All were in favor. Motion carried.

**Agenda:**

1. Call to order and establish a quorum
2. Review minutes of September 17, 2020 Special Meeting.
3. Discussion and possible action on Public Hearing items
4. Zoning Citation Ordinance Discussion
5. New Business
6. Adjournment

**1. Call to order and establish a quorum.**

Dave Palmberg, Chair called the meeting to order at 7:30 p.m., establishing a quorum with Dave Palmberg, Chair, Rich Shuck, Ron Houle, Cindy Rummel and seating alternate member Chris Joseph for Lorin Dafoe.

**2. Review minutes of September 17, 2020 Special Meeting.**

Chris Joseph noted that on the bottom of Page 3, there was reference to Brendan Mcnerney from the public making a comment. The person who spoke was actually his brother, Paul Mcnerney.

There were no other changes. Rich Shuck made a motion to accept the minutes of the September 17, 2020 Special Meeting as amended, seconded by Cindy Rummel. All were in favor. Motion carried.

**3. Discussion and possible action on Public Hearing items.**

There was consensus that the location submitted for the coop and fenced area meet zoning regulation requirements, but for the applicant to just be aware that she must be diligent in keeping her chickens from roaming.

David Perkins pointed out that, although the public hearing is now closed, they never heard about why the coop was moved from its original location. He said from a process standpoint, the Commission could approve the Special Permit application and then allow it to be moved as a minor modification of the site plan. Rich Shuck said he felt they could allow David Perkins to handle this administratively. David Perkins said he believed the coop/run area was moved because the new location offers more shade and more of a buffer. It's also not right in the middle of the applicant's yard. There was consensus to allow David Perkins to handle the minor site plan modification.

Rich Shuck made a motion, seconded by Ron Houle to approve the Special Use Permit application of Susy Cadieux to allow a 12 foot by 24 foot fenced area with a chicken coop at 8 East Street, Map 51, Lot 155, Zone A based on the CRCOG plan dated November 4, 2020 and to give ZEO David Perkins the authority to modify the site plan if there is a better location. All were in favor. Motion carried.

**4. Zoning Citation Ordinance Discussion.**

David Perkins reviewed the list he prepared citing his Top Irritating Zoning Violations.

Dave Palmberg said they had looked at how other towns (i.e. Tolland) deal with zoning citation ordinances and that David Perkins had provided ordinances and samples of municipal citations and notice letters.

David Perkins said he spoke to Attorney Ken Slater, who is well-versed in laws regarding citations. He was provided with a sample citation ordinance from Farmington. David Perkins said the statute is a bit difficult to interpret but,

basically, a ZEO can issue a citation with a fine (i.e. \$100) and then days later send another citation with an accumulated fine. Basically these are tickets. He said sometime between 30 and 365 days, he can notify a violator which means the violator is now being officially “noticed” and the fines are being assessed. He said you don’t appeal the citation, but if you don’t pay it, then you will get “noticed.” The fine does not start until the violator is noticed. The violator may then ask for an appeal hearing before a neutral third person.

Dave Palmberg said in his experience he has found that most of the time people will correct their violation, although some will not and just ignore the situation. He agreed that the Farmington example is thorough, although, if they used it for their model, it would need to be slightly modified to fit Stafford.

David Perkins noted there is no citation process for Inland Wetlands violations and this could be used as well for those violations.

David Palmberg agreed. He recommended they move forward with the Farmington model.

Chris Joseph said he disagreed with many of the current zoning regulations and related fines from a private property standpoint. He questioned, for example, why anyone should need to take out a permit to put a deck on the back of their home. Rich Shuck explained that there are layers of zoning requirements that would make it necessary, such as adhering to the health code and setbacks, as it would be unfair to encroach on a neighbor’s property. Chris Joseph said he feels the town micromanages people on their property and would prefer to see minimally invasive regulations. He said he felt a number of improvements to one’s property should not require permits.

Cindy Rummel said she is in favor of establishing a procedure that allows the ZEO to enforce the zoning regulations and was originally in favor of a blanket regulation, but she would be willing to discuss some of Chris Joseph’s concerns to limit the scope of some violations.

Dave Palmberg said the town operates under a specific code by law. For example, a building permit requires a zoning permit that covers sheds, pools and such. He said the health department has to consider the location of a well and septic when signing off on an application. He added that he felt a ZEO needs to have the tools to enforce the regulations.

David Perkins noted that these laws are common to every town in the state and not specific to Stafford. However, each town can make their own zoning regulations. He said if the PZC wanted to, they could make everything an as-of-right use and there is nothing in the State code that would disallow that.

Chris Joseph said he would like to find a way to have a balance, to give the ZEO the tools to enforce regulations, but to also limit the scope of that authority.

Cindy Rummel noted that when they asked David Perkins to make a list of the top zoning violations he has to deal with, it was an attempt to limit the scope. She noted that one of the top violations revolved around small structures – like the chicken coop they had earlier discussed. Chris Joseph suggested they might want to categorize violations by certain nuisances like trespass, (excessive) noise, or (excessive) light.

Rich Shuck provided an example of a swimming pool built right on a side property line. He said if it burst, it could end up flooding the neighbor's property. He said regulations are established for good reason and not to hamper people's personal property rights.

David Perkins said that requesting a variance from the Zoning Board of Appeals provides a relief valve for residents to argue their case. Rich Shuck added that it provides a convenient, local avenue for an appeal without having to go to Superior Court. Dave Palmberg said requiring a zoning permit often nips a potential problem in the bud as an applicant can find out ahead of time if their proposal meets zoning regulation requirements.

Rich Shuck brought the discussion back to the Farmington citation sample. He noted it involves one fine and is not a tiered system. He also agreed that it will need to be slightly modified to fit with Stafford. David Perkins noted that Attorney Slater played a role in writing it.

Rich Shuck asked what tools David Perkins presently has regarding citations. David Perkins said he can only issue cease and desist orders, and then they can only be enforced by court order – which is time consuming. He added that he usually finds people respond to him on the third letter. Cindy Rummel added that due to the pandemic, courts are operating at a limited capacity and may shut down again if things worsen. David Perkins said with the Farmington model, if a violation ends up in court, the violator is then forced to take action.

David Perkins also discussed blight issues. He said he has given out a few fines, mostly for untended grass and typically at bank-owned properties. He said eventually the banks end up finally taking care of the problem.

The Commission discussed going forward with the Farmington citation ordinance, and David Perkins was given direction to get things started by tailoring it for Stafford. He will need to remove references to Aquifer Protection areas and other items that don't apply. David Perkins suggested it would not hurt to include Wetlands violations in the draft also. Chris Joseph said he still felt this would not work well in Stafford; however, Ron Houle said they need to at least have a platform to start from.

**5. New Business.**

David Perkins said he had nothing new to discuss. Dave Palmberg asked when they would need to draft a meeting schedule for next year. There was expectation that, due to the pandemic, they will be continuing with Special Meetings in the Senior Center for the uncertain future. Leonard Clark said a new schedule usually needs to be accepted by December 15. There was consensus to continue holding meetings at 7:00 p.m. on first and third Thursdays of the month and to draft a schedule.

Chris Joseph brought up sound and handicapped access issues on the second floor at Town Hall. Dave Palmberg said he believed the town had a grant for design and handicapped access to the second floor, and it is expected that acoustics would be addressed in the design.

**6. Adjournment.**

Ron Houle made a motion to adjourn the meeting, seconded by Cindy Rummel. All were in favor. The November 5, 2020 Special Meeting of the Stafford Planning and Zoning Commission was adjourned at 8:25 p.m.

Respectfully submitted



Annie Gentile  
Recording Secretary