



# CITY OF CONCORD

*New Hampshire's Main Street™*

## Public Safety Advisory Board Sub-committee Meeting

### **DRAFT** Minutes

September 21, 2020

#### **Call to Order**

Chief Bradley Osgood called the meeting to order at 3:00 p.m.

Sub-committee Members Present: Councilor Candace Bouchard (sub-committee chair), Councilor Erle Pierce, Councilor Zandra Rice-Hawkins. Absent: Ana McKenna.

Also attending Councilor Grady Sexton.

#### **Overview**

Councilor Bouchard stated that she invited Carl Majewski from the UNH Cooperative Extension to discuss setback on backyard chickens on an acre or less. She said that the discussion is not about whether or not Concord should have a backyard chicken ordinance but it is for a discussion about reducing the setback from 30 feet to 5 feet. She said that the request originally went to the Planning Board, and that the Planning Board approved reducing the setback to 5 feet. The City Council had concerns over the change and voted to send the issue to the Public Safety Advisory Committee, and that Committee suggested a sub-committee. She said that the sub-committee will advise the Public Safety Advisory Committee of the results of the discussion.

#### **UNH Cooperative Extension**

Carl Majewski stated that there is a fact sheet that was put together a number of years ago, it's based on the general best practices along with the recommendations regarding how much space different classes of poultry and livestock would need.

Councilor Bouchard stated that they have looked at other communities and states, and that in New Hampshire it can be anywhere from 20 feet from the property line, however the setback may be different depending on whether or not it is a residential building, or the amount of chickens that are on the property. She stated that she noticed that the UNH Cooperative Extension had recommended 50 feet and up to six hens for a family.

Mr. Majewski said that the fact sheet addresses the density of the animals. He said it addresses how many animals you can responsibly have in a specific area. He said that it is from an "animal welfare" perspective. He said that the fact sheet doesn't really factor in potential areas for conflicts with neighbors or anything relative to that.

Councilor Rice-Hawkins asked Mr. Majewski to explain the setback language.

Mr. Majewski said that generally when talking about a setback it would be a buffer between any animal facilities, housing, fenced in areas where they can roam around. He explained setbacks in commercial agriculture. He said in an urban setting there may be a bigger recommended setback.

### **City Planner - Heather Shank**

Heather Shank, Concord City Planner gave a brief overview of the Chicken Ordinances. She stated that Concord has two Chicken Ordinances; one applies to properties that are greater than an acre and the other applies to properties that are less than an acre. She said the standards in the two ordinances are entirely different. She said that 10 years ago there were not many regions that had a backyard chicken ordinance. She said that they looked at Portland, Maine's ordinance. She said that they came up with the 30 foot ordinance based on the smallest lot in Concord. She said that about 65% of lots in Concord are non-conforming; therefore minimal lots are able to have chickens. She said that the original suggestion to the planning board was to change the setback to 15 feet. She said that they once again looked at Portland, Maine's ordinance. Their ordinance said that their setback has to be 10 feet from any residential structure (including the property structure), 10 feet from any structure on an adjacent property. A chicken house is an accessory structure, and in Portland the setback from the structures is from 5-15 feet, depending on the district in Portland. She said that Dover, Nashua and Portsmouth, NH all have backyard chicken ordinances. Dover and Nashua are 20 feet and Portsmouth is 15 feet. She said she thinks it's a great idea to say 10 feet from any residential structure, or any abutting structure.

Councilor Pierce asked if the setback was changed and the council adopted 10-15 feet from any accessory structure on the neighbor's lot, if a run/coop was put in and then the neighbor built an accessory structure that was not within the setback limits, then what would happen with the existing chickens.

Ms. Shank replied that would be a zoning consideration and that the chickens may be considered an existing non-conformity. She said that if there was a 5 foot setback then that may be a question for legal, however if it was 10-15 feet then it may be fine.

### **Discussion**

Councilor Bouchard said that she has been hearing from residents that 5 feet is too close. She stated that the concerns have been noise and smells. She said that some of these lots are pretty dense and the residential homes are close to each other.

Mr. Majewski said there isn't a huge difference between 5 feet and 30 feet but he said he can see that it is just enough of a difference that if someone didn't keep their chicken facilities clean, or if a neighbor had dogs, then that short of a buffer could be difficult to minimize conflict.

Councilor Rice-Hawkins stated that she is hearing that 5 feet is too close and it needs to be more than 5 feet.

Councilor Bouchard said that 30 feet seems to be too much for non-conforming lots, but if it's changed to 15 feet then most of the non-conforming lots would be able to comply.

Ms. Shank said that when an analysis was done on the downtown lots, 15 feet would allow most of the non-conforming lots to comply.

Councilor Rice-Hawkins asks if a formal motion is needed to move forward with the 15 feet setback recommendation.

Councilor Bouchard said that she doesn't think a formal motion is needed.

Councilor Rice-Hawkins suggests moving in the direction to make the recommendation of the 15 foot setback. She said that the 15 feet setback strikes a good compromise in order to balance interests.

Hannah Coffey said that she owns chickens, but she personally feels that a 5 foot setback would be a bit "snug". She said that in Sula, Montana there was an exception to the ordinance in place if there was tight fencing around the non-conforming lots.

Francesca Brown stated that chickens can protect neighbors from diseases because they eat ticks and mosquitos. She stated that no other pet has an ordinance, but chickens do. She said that chickens as pets can be wonderful companions.

Councilor Bouchard said that it seems that the sub-committee has a consensus to make a recommendation to the Public Safety Advisory Board to consider not the 5 feet setback but a 15 foot setback as a compromise.

There are no objections to the recommendation.

The sub-committee meeting was adjourned at 3:42 p.m.