

City of Keene
New Hampshire

AGRICULTURAL COMMISSION
MEETING MINUTES

Thursday, October 20, 2016

3:30 PM

2nd Floor Conference Room

Members Present:

Sarah Wilton, Vice Chair
Charles Daloz
Mark Florenz
Bettina Chadbourne, Councilor

Staff Present:

Michele Chalice, Planning

Members Not Present:

Alan Bettler, Chair

1) **Call to Order**

Vice Chair Wilton called the meeting to order at 3:38 PM.

2) **Approve September 15, 2016 Minutes**

Councilor Chadbourne stated that she has a change to make to the September 15, 2016 minutes: on p. 2, under 4) Residential Chicken Management Discussion, the minutes should include which NH towns she looked at ordinances from. That detail is significant. Ms. Chalice replied that she will add the towns from her notes.

Discussion ensued about who seconded the motion on page 1. Ms. Wilton stated that she thinks it was her.

Ms. Wilton stated that on p. 3, in the first paragraph, her name should be corrected from "Wilson" to "Wilton." She continued that the meeting was adjourned around 4:45 PM.

Councilor Chadbourne made a motion to approve the September 15, 2016 minutes as amended, which was seconded by Mr. Florenz and passed by unanimous vote.

3) **Report Back on Recent Presentation to the Planning, Licenses, and Development Committee**

Vice Chair Wilton asked if there was feedback on the presentation the Agriculture Commission gave to the PLD Committee. Ms. Chalice replied that no one came to her afterwards to comment on it. Councilor Chadbourne stated that Planning Director Rhett Lamb was happy that the Agriculture Commission did that presentation to bring these

issues to the forefront of the City Council. Mr. Daloz stated that the presentation was well done. He continued that Councilors gave generally positive feedback during the meeting. This was the first volley of saying agriculture is important in Keene. It went well, and now they can present to other places. Vice Chair Wilton stated that she thinks it should go on the commission's webpage, as "What is the Agriculture Commission?"

Councilor Chadbourne stated that she asked Mr. Lamb about the procedure for amending the Comprehensive Master Plan (CMP). She continued that he said committees and commissions are coming up with own Master Plans or goals and bringing them to the City Council. That was his suggestion for what the Agriculture Commission could do, too. Ms. Chalice stated that she and Mr. Lamb talked about that, too. She continued that the Planning Department is all for the commission creating their own plan and Mr. Lamb encourages this work. The commission has looked at other committees' plans in the past. This might be a lot of work, but it can be as simple or complex as the commission wants. They have looked at Mr. Daloz's extensive writings, which could be the bones of a plan that the commission could work with if they want to. How the commission wants to go forward with their directives depends on the individual interests and strengths of people on the commission. Some people are more into writing than projects, or vice versa.

Vice Chair Wilton stated that the presentation she put together had a slide talking about next steps. She thinks that is what they should do, beyond just publicizing this - work with other organizations at the City level, bringing them in and setting up goals and objectives. She continued that things will come up serendipitously, like with the chicken ordinance. Other things they can initiate as direct spin-offs.

Ms. Chalice suggested they prioritize their goals. She continued that they have the opportunity to create a project that can be presented to Antioch University of New England (AUNE) students as a group project. It takes a while to decide which projects to propose, and flush them out to make sure they are really what the commission wants to do and appropriate for students. They can work on this for next year if they want to. Vice Chair Wilton stated that she has an idea for a project. Ms. Chalice suggested it go on next month's agenda. Mr. Daloz agreed that they should put something together over the next month. Mr. Florenz stated that it sounds to him like there is not another obvious group to present to. Ms. Chalice suggested having "Next Steps" on the agenda for next month. Vice Chair Wilton agreed. She continued that having this presentation sets a precedent and should be done every year; they can sum up where they have been and where they are going. Ms. Chalice replied yes, the City Council requires that.

Mr. Daloz made a motion for the Agriculture Commission to put the presentation they gave to the PLD Committee on the Agriculture Commission's website. Councilor Chadbourne seconded the motion, which passed by unanimous vote.

Vice Chair Wilton suggested the group review the whole website at their next meeting. She continued that it helps the commission organize themselves.

4) Possible Residential Chicken Management Discussion

Vice Chair Wilton thanked Councilor Chadbourne for circulating all of the information about this topic. She continued that there was discussion at their last meeting about care of chickens and getting a pamphlet together. She went to Agway and Horse & Buggy to look for information on caring for chickens. She saw a pamphlet on chickens themselves but there was nothing about what chickens require for care, other than what to feed them.

Mr. Florenz replied that he was not thinking of the Agriculture Commission putting out a chicken care pamphlet, but more something about how to have chickens in an urban environment, like having fencing, keeping roosters in at night, and other guidelines for how to be a good neighbor. He gets a little queasy about zoning and code restrictions and he would rather not go there if they do not need to.

Councilor Chadbourne replied that she spoke with a lot of people and Ms. Chalice talked with the Keene Police Department (KPD) and they have not had any complaints. Ms. Chalice replied no, there is no log of complaints, although they have had calls from people asking if it is alright to have chickens. She continued that Councilor Chadbourne has received complaints. Councilor Chadbourne replied yes, and it seems like a good idea to explore this. She spoke with Code Enforcement in Manchester, where chickens are a big problem. Some people are keeping chickens in their apartments. A group of people concerned with chicken's rights are asking for something to manage the situation. She spoke with the Code Director in Epsom where there are a lot of complaints about roosters – sometimes neighbors cause roosters to disappear. The police handle most of the complaints. In Somersworth, chickens not fenced in are digging up other people's flowers. More and more people in Keene are getting chickens, so it would be nice to have the groundwork done so they have something to go on. There are rumblings. For example, she knows of a City employee who had chickens, and her neighbor was happy to see her move away because the chickens' clucking had bothered her.

Mr. Florenz stated that this is not about zoning, it is about chickens in the urban areas. Ms. Chalice replied that non-commercial animal raising is allowed in all residential zones, because they are considered pets, according to the email from John Rogers. Someone can have a cow, pig, or goats, non-commercially. Councilor Chadbourne replied that she has also heard complaints about animal feces' odor, also, but roosters have been the biggest topic of complaint. Sometimes people get roosters accidentally when they were expecting chickens. Discussion ensued.

Mr. Daloz stated that this does not sound like an immediate problem. He continued that he looked at the Burlington Urban Agriculture Task Force as a resource. If there is no rush, he recommends that they see how this chicken issue/ordinance fits into a wider understanding or set of recommendations for the City. Bees are another topic to consider. Discussion ensued about bees and rooftop beehives.

Mr. Daloz stated that whatever recommendations the commission comes up with, they might want it to include more than just chickens. Mr. Florenz stated that they as the Agriculture Commission should encourage people to have chickens, gardens, and participate in agriculture. They should find a way to encourage agriculture and reduce

conflict at the same time. Vice Chair Wilton stated that she thinks there is value in both providing regulations as well as information because if they can regulate it they can ensure it is successful without causing friction. Councilor Chadbourne stated that there are two possible approaches - they can be proactive and do something now to prevent problems, or wait until it is at a problem level. She continued that she likes the Manchester ordinance's section on adequate space for the hens. They are talking about three things: neighbors getting along when they have different interests, the well-being of the hens themselves, and -. Mr. Florenz replied that that is a political realm they do not want to get into – caging animals or not, how much space they need, etc. Councilor Chadbourne replied that anything they come up with will be in the form of recommendations to the City Council. Mr. Florenz replied that he does not think the City Council should go there, either. Vice Chair Wilton stated that she thinks part of educating is giving information on best practices and chicken behavior - e.g. “They thrive best under these conditions, and therefore this is what we recommend.”

Ms. Chalice replied that she can send them a template for a flyer and the commission or a working group could come up with content that they would like to be out in the community on behalf of the commission. She could proof it, and it would have to be approved by Mr. Lamb. Mr. Florenz stated that they could put in recommendations for chicken owners and for neighbors – e.g. “If you have a question about a rooster, call [KPD, or whoever].” It could be a recommendation of how to try resolving issues with their neighbors first, and then how to move towards a more regulatory approach. Vice Chair Wilton stated that she thinks a working group could come up with a draft for the full group to consider.

Mr. Daloz stated that a pamphlet like that would be very helpful for people. Councilor Chadbourne replied that she does not know what authority the commission has. She asked if the City ever offers these types of brochures in Agway, at fairs, etc. Ms. Chalice replied yes, definitely. Mr. Florenz stated that he wants to encourage people to have chickens, in a responsible manner. Ms. Chalice stated that she can provide the regulatory information so the framework is there and the commission can fill in other content. Vice Chair Wilton suggested they put it on the website.

Mr. Daloz made a motion for the Agriculture Commission to ask staff to send them a template for a pamphlet and [for the Agriculture Commission's working group on Chicken Management to fill in content and] bring it back to the next meeting. Councilor Chadbourne seconded. The motion passed by unanimous vote.

Mr. Florenz stated that best practices like this must be out there. Councilor Chadbourne stated that there is Chicken Laws, Ordinances, Rights, and Entitlements (L.O.R.E.) at backyardchicken.com and that might be helpful. They could use this information and condense it into pamphlet form. Mr. Florenz suggested they call out issues about chickens in urban environments specifically and offer resources people can check out for general information on raising chickens. Councilor Chadbourne agreed and spoke about all that the backyardchickens.com website offers. Vice Chair Wilton suggested they all visit this website before the next meeting and learn more.

5) Potential Antioch University New England (AUNE) CSI Project and/or Moose Grant Project

Ms. Chalice stated that both the proposals for AUNE CSI projects and Moose Grant applications are due this time of year and the CSI one would take a lot more work/thought. She continued that the commission had talked in the past about applying for a Moose Grant to use an available plot for creating pollinator habitat. If they are still interested in this, a lot of the work for it is already done. They just have not talked about it in a long time. Mr. Daloz asked where it already stands. Ms. Chalice replied that she attached the application that Amanda Littleton, of the Cheshire County Conservation District (CCCD) wrote, for the group to review. She continued that Ms. Littleton realized after she wrote that one that there does not need to be such a fancy seed mix, so it would not cost as much. This can go on next month's agenda if they are interested. They would need to review both programs, which are attached to the agenda. The CSI project, Moose Plate Grant application, and pollinator habitat grant application are three separate things. Mr. Daloz asked if the Moose Plate Grant was something the Agriculture Commission initiated. Ms. Chalice replied that Ms. Littleton did, by telling the commission about the grant application she put together, which she did not receive because it was too expensive. She continued that Ms. Littleton had offered to share the information with the commission so they could create and submit their own grant application, if they were interested. Other projects could be done through the Moose Grant as well. The attachments explain what can be and has been funded and include examples.

Vice Chair Wilton asked where the pollinator site would be. Ms. Chalice replied that there are several sites that Parks & Recreation Director Andy Bohannon had suggested. She continued that they could look at those at a future meeting. Mr. Daloz stated that Bent Court is one possibility. Ms. Chalice replied yes, that is a potential option.

Vice Chair Wilton asked what they should do about this for the next meeting. Mr. Florenz replied that these are resources available to them if they choose to use them. He continued that the question is whether these projects fit into the group's priorities. Vice Chair Wilton replied that it fits their mission of protecting environmental corridors. Mr. Daloz replied that it certainly fits their mission; it is a question of whether they could make this happen quickly enough. Mr. Florenz stated that Bent Court and some other parcels are kind of out of the way. He continued that others in town are doing pollinator habitats. He would rather have a pollinator habitat in a location with higher visibility, for education purposes. Councilor Chadbourne stated that she did not know this existed already in Keene. Mr. Florenz stated that people are concerned with the health of pollinators, so there are federal funds available to encourage the development of native pollinator habitat. He continued that there is a grant program through the Natural Resources Conservation Service (NRCS), to get money to get supplies needed to create spaces attractive to pollinators. In Cheshire County there are a number of those grants that have gone through, including at the Keene Country Club and maybe Franklin Pierce.

Mr. Daloz asked who is going to work on this. He continued that they should find out from Mr. Bohannon if he thinks this is still important, and also get more information

from Ms. Littleton, and see how much work it really is. Ms. Chalice asked if this is one of the potential “next steps” they want to prioritize during the “next steps” discussion at the November meeting. She continued that it would be helpful for them to determine which projects to prioritize. Or, she asked, do they already know right now that there is enough interest in this project? At the next meeting they can list the potential projects and each group member can vote on their priorities. Vice Chair Wilton stated that she thinks that project is worthwhile but it would involve integration with a lot of other committees. Mr. Florenz replied yes, the commission could drive it, involving the Parks & Recreation Department, the NRCS, etc. It would be great to do this and it is in their purview.

6) Food Security – Local Food Systems

Ms. Chalice stated that the commission asked for this topic to be on every agenda, although they might not actually address it every month. Vice Chair Wilton stated that protecting local food systems and making sure people utilize them is what an Agriculture Commission is all about. She has been communicating with Michelle Moore, from Alstead, author of “Hungry Neighbors.” Food Security is a major issue. She is working on projects to address hungry neighbors and food insecurity in the region and state. Ms. Chalice asked if they want her to invite Ms. Moore to come speak. Vice Chair Wilton replied yes, she is very active regionally, and she cannot join the commission because she does not live in Keene but it would be great to have her at a meeting.

Councilor Chadbourne made a motion for the Agriculture Commission to direct staff to invite Michelle Moore to speak at a future Agriculture Commission meeting. Mr. Daloz seconded the motion.

Vice Chair Wilton stated that it is great to grow more food, but what is the point, if it is missing the population. People have to get the food that is grown. Farmer’s Market prices are often high and may put locally produced food out of reach for many community members. That is a dilemma. It is a dilemma for the farmers, too, who cannot afford to live if they cannot get parity.

The motion passed by unanimous vote.

7) Keene Agriculture Zone District Details

Ms. Chalice stated that per the commission’s request she printed out Division 4 - Agriculture from the City Code. She continued that it explains the intent and permitted uses, with the conditions and special exceptions noted. She can bring a map for next month so they can see where these activities are allowed in the city. Group members replied that that would be great. Mr. Florenz stated that there are not many restrictions in the Rural and Agriculture zones. He continued that the question is more what the restrictions are in the other zones, particularly the more urban ones. Mr. Daloz replied that they need to pay attention to the Rural and Agriculture zones, too, since that is where the activity is. That is part of the commission’s purview. Ms. Chalice asked if the commission has considered writing down their concerns and questions. She continued that the zoning code update is going on right now. The commission could give the

consultant information about what to keep in mind when they start looking at the details. Right now they are just looking at the structure and thinking about whether the structure needs to change. The Agriculture Commission could document their ideas about allowing agriculture activity in other zones. This would be a good time to do it, making sure there is agreement among the commission members, to have a coherent document.

Mr. Florenz stated that traditionally zoning has had an acreage cut off for gardening, where you cannot run a commercial farm unless you have a certain minimum of acreage, but now there is movement towards allowing it on smaller plots. He continued that that would be something to include - allowing farming on, say, half a suburban acre. Councilor Chadbourne replied that the Marlboro Street Re-zoning initiative is talking about allowing small farm animals. Ms. Chalice replied that is not a special provision - people are allowed to have farm animals as pets already. Mr. Daloz stated that maybe they want to say farm animals should not be pets.

Councilor Chadbourne stated that people are allowed to have chickens and sell the eggs. She asked if that means half a dozen or a dozen chickens are considered "pets." Mr. Florenz replied that they are considered as "for personal use." He continued that having, say, 50 chickens would be commercial. Ms. Chalice replied that the email from Mr. Rogers says you can have chickens for your own use, and you can even have an employee, but retail sales that attract customers to the residence to purchase goods (eggs) is not allowed. Mr. Daloz replied, but you could deliver them from your house. Ms. Chalice replied yes, home occupation is a potential allowed use. She continued that someone would be allowed to have, under these circumstances, one employee (but no more), activity occupying no more than 10% of the dwelling, as long as it cannot be identified externally. It cannot generate traffic or have offensive noise, vibration, odor, dust, etc. Those are the caveats. Mr. Florenz replied that they would run into the same issue as gardens. Personal gardens are allowed anywhere. Commercial gardens are not allowed in the urban districts.

Councilor Chadbourne replied that this does not say you cannot have 50 chickens. Ms. Chalice replied, unless it results in "offensive noise, odor, dust," etc. Mr. Florenz added, or retail sales with people coming to your house, which is not allowed. Discussion continued about how you could take your eggs and sell them at other locations. Mr. Florenz replied that taking the eggs to Farmer's Market is commercial farming and he does not think that is allowed by zoning. Raising and selling of farm animals and farm animal projects are allowed in the agriculture zone but he does not think it is allowed in any of these urban or semi-urban districts. It is personal use versus commercial use, and at some point it crosses the line. Ms. Chalice replied that under Division 5 that switch happens when you violate one of these guidelines. Mr. Florenz stated that having 50 chickens and taking eggs to Farmer's Market is commercial use. Discussion continued. Ms. Chalice stated that she agrees that if there were 50 chickens there would be offensive odor, offensive noise, etc., and Code would come in and shut it down, but not just because it is agriculture. If the commission wants to change it to allow for, say, 50 chickens, that is a whole other issue. Mr. Florenz stated that he does not have answers, there are just conversations like this that they should be a part of.

Vice Chair Wilton asked if the people working on the zoning project could speak to the commission. Ms. Chalice replied that they are not there yet, but during the second phase that could happen, and there will be public hearings. But the commission can come up with a list of activities they want added to other zones as permitted uses. Mr. Florenz replied that they need to go through the other zones and see what prohibited or allowed uses are, and get more information. Ms. Chalice replied that they could have Mr. Rogers come back and talk about that, if they want. Mr. Daloz asked if people who are going through the code can mark the agriculture sections and give them to the commission. Mr. Florenz replied that they can look it up on MuniCode themselves. Discussion continued.

Ms. Chalice stated that she thinks Mr. Florenz is talking about these permitted agricultural uses in the agriculture zone to be allowed uses in other zones. Mr. Florenz replied that he would not go that far. He would say there is a trend of allowing commercial agriculture in smaller, more dense spaces. Like half acre vegetable plots. Mr. Daloz replied that he went to the meeting and listened to what they had to say. The landscaper planners who presented were very creative, giving ideas such as replacing an old mall with an integrated housing, gardens, and shops configuration. They are on the cusp of good city planning, it seemed like. If there are regulations that are in the way of allowing such a thing, the commission should look at that. Mr. Florenz stated that sometimes there may be a situation in which people have nice rooftops that would work well for rooftop gardens that people could sell produce from, but the City Code is written to not allow that because the City automatically assumes there is not space for that and they are not thinking about rooftops. Mr. Daloz replied yes, the commission would want to be on top of that. Mr. Florenz replied that that is long-term. He continued that if the City is now discussing the high-level structure it would be good to know what the structure will be before the commission gets into recommending code re-writes.

Vice Chair Wilton stated that it might be a good plan to put the goals up on the white board next time. They have four core areas: agriculture/heritage culture, environmental corridors, food security, and economics. Then they can determine what issues they are bringing forward next, from this meeting, where to put them in the priorities and business going forward. Their plate is getting very full. Others agreed.

8) New or Other Business

Councilor Chadbourne stated that at last month's meeting, they were each assigned to reach out to potential new members. She talked to Megan Straughen at the Monadnock Food Coop, and she is considering it. The meeting time was a problem for her. Ms. Straughen will see if other employees are interested. Vice Chair Wilton stated that she asked Horse & Buggy, and the owner took down the information about the commission. Mr. Daloz stated that he did not get anywhere by talking with Farmer's Market people, because none of them are from Keene. He continued that he spoke with the KSC Geography Department, and someone in GIS mapping may be interested but has trouble with the time. Mr. Florenz stated that he will follow up with the Monadnock Farm group. Councilor Chadbourne asked who was going to call AUNE. Mr. Daloz replied that there

are various people there he would like to connect with, and spoke more about that. Vice Chair Wilton stated that they can continue to solicit members over the next month.

9) Next Meeting – Thursday, November 17, 2016 at 3:30 PM

10) Adjournment

Vice Chair Wilton adjourned the meeting at 4:58 PM.

Respectfully submitted by
Britta Reida, Minute-taker