

Town of West Springfield

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William C. Reichelt
Mayor

28 August 2018

George Condon, III
President, Town Council
J. Edward Christian Municipal Office Building
26 Central Street
West Springfield, MA 01089

Re: Zoning Ordinance Amendment Relative to the Keeping of Hens

Dear President Condon:

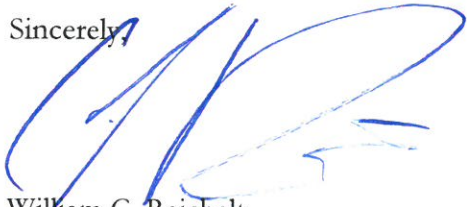
Enclosed for the Town Council's consideration is a proposed amendment to the Town's Zoning Ordinance relative to the keeping of hens on private property. Currently, the keeping of hens (female chickens) on one's property is only vaguely addressed in the Zoning Ordinance. The keeping of hens is becoming increasingly prevalent among Town residents; as such, it was determined that a baseline level of standards for the keeping them on residents' property was needed. These amendments were crafted with the input of the Director of Public Health, Animal Control Officer, Planning Administrator, Town Attorney and myself.

The amendments before you address issues related to the structures, location and amount of hens that may be kept on one's property through the Zoning Ordinance. Residents whose lots are less than a half-acre will be required to obtain a special permit to keep up to six (6) hens on their property; those with more than half an acre will be permitted to keep up to (6) hens by right; and those property owners with more than an acre of land will be permitted to keep between six (6) and eighteen (18) hens by special permit. The amendments set out minimum coop and run structures based on the amount of hens being kept and also define setback requirements for the location of the structures.

Concurrently with these proposed amendments, we are also working with the Board of Health to implement regulations relative to the minimum health and safety standards for the keeping of hens. In addition to compliance with the Zoning Ordinance relative to structures and numbers of hens to be kept, residents will also need to comply with the Board of Health regulations to ensure nuisances to neighboring properties are abated and that the baseline standards of care for the hens are met.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



William C. Reichelt
Mayor

Enclosure

cc: Town Council
Susan Pettazzoni, Clerk to the Council
Kate O'Brien, Town Attorney
Allyson Manuel, Planning Administrator
Jeanne Galloway, Director of Public Health
Jessecah Gower, Animal Control Officer

TOWN OF WEST SPRINGFIELD

**AN AMENDMENT TO THE ZONING ORDINANCE
RELATIVE TO THE KEEPING OF HENS**

MOVE that the West Springfield Town Council waive the formal reading and hereby resolve, ordain, and enact the following amendments to the Zoning Ordinance of the Town of West Springfield relative to the keeping of hens, or take any action relative thereto.

Be it ordained by the West Springfield Town Council that the Zoning Ordinance of the Town of West Springfield be amended as follows:

Section II Definitions

Add the following language:

Hen – a female chicken.

Henhouse (or Coop) – a structure designed to house hens.

Pen (or Run) – a completely enclosed outdoor area designed to allow hens access to the outdoors while providing protection from predators.

Rooster – a male chicken.

Section V Table of Use Regulations

Table 5-1
West Springfield Table of Use Regulations
RESIDENTIAL ZONING DISTRICTS

Add the following language:

Accessory Uses	Standards & Conditions	Zoning Districts				
		RA	RA-1	RA-2	RB	RC
a. Keeping of a small flock (18 maximum) of hens (no roosters) on a lot of at least one (1) acre.	See Section 8.11 Keeping of Hens	SPB	SPB	SPB	SPB	SPB
b. Keeping of up to six (6) hens (no roosters) on a lot of at least one half (.5) acre.	See Section 8.11 Keeping of Hens	P	P	P	P	P
c. Keeping of up to six (6) hens (no roosters) on a lot of less than one half (.5) acre.	See Section 8.11 Keeping of Hens	SPB	SPB	SPB	SPB	SPB

Section VIII Development Methods

Insert the following language:

Section 8.11 Keeping of Hens

8.111 Application

This section shall apply to the accessory use of keeping of hens in residential zones. It shall not apply to agricultural uses exempt under MGL c. 40A §3.

8.112 Definitions

Hen – a female chicken.

Henhouse (or Coop) – a structure designed to house hens.

Pen (or Run) – a completely enclosed outdoor area designed to allow hens access to the outdoors while providing protection from predators.

Rooster – a male chicken.

8.113 Standards and Conditions

- A. Keeping of hens for commercial use shall be prohibited.
- B. Slaughter of hens on the premises shall be prohibited.
- C. Hens shall be contained within an enclosed structure (“coop”) or fenced area at all times; free-range roaming shall be prohibited.
- D. Coops shall have a minimum of three (3) square feet per hen. Coops shall be connected to a fenced run, which shall provide a minimum of ten (10) square feet per hen.
- E. All structures used for the keeping of hens shall:
 - 1. Be located in the rear yard.
 - 2. Be set back a minimum of 15 feet from all lot lines.
 - 3. Be located at least 50 feet from any building or structure used for human habitation that is located on abutting property, which shall include property that borders on and directly touches the property border of the applicant as well as property directly opposite the applicant on any public or private street or way.
 - 4. Be located at least 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, or any surface water and at least 50 feet from any well. Surface water shall mean all waters other than groundwater, including, without limitation, rivers, streams, lakes, ponds, springs, estuaries, wetlands, and vernal pools.
- F. In addition to complying with all of the above requirements, any person proposing to keep hens shall at all times be in compliance with the Board of Health Regulations pertaining to the keeping of hens, and shall obtain a license from the Board of Health prior to the construction of a henhouse and procurement of any hens.

8.114 **Special Permit Requirements**

A. Required information:

1. If the applicant is not the property owner, the applicant shall provide a written statement from the property owner(s) authorizing the applicant to keep hens on the property. The statement shall include the maximum number of hens allowed by the property owner.
2. Site plan, drawn to scale, showing property boundaries and the layout of all structures and uses on the primary lot, as well as location of structures on abutting lots. The site plan shall also indicate any surface water or drinking water supply or tributary thereof within 200' of the proposed henhouse, and any well within 50' of the proposed henhouse.
3. Maximum number of hens proposed to be kept.
4. Other appropriate information and materials necessary to demonstrate that the proposed keeping of hens will not be a nuisance due to noise, odor, damage, or threat to public health.

B. Required findings:

1. The proposed henhouse is in compliance with all required setbacks from lot lines, dwellings, and water features.
2. The proposed henhouse will provide adequate space for the requested number of hens.
3. The proposed keeping of hens will be for personal use by the applicant only, and not for the sale of eggs, fertilizer, breeding, or other commercial use.
4. The proposed keeping of hens will not constitute a nuisance by reason of noise, odor, damage, or threat to public health.