

All of the individuals pictured below agreed that we could share their image in support of more city chickens in Concord. These pictures were taken in October 2019 in downtown Concord.



Osgood, Bradley

From: Stacey Brown <staceyfm@gmail.com>
Sent: Thursday, December 10, 2020 4:07 PM
To: Osgood, Bradley
Subject: Fwd: In Support of Backyard Chickens
Attachments: IMG_1622.jpg; IMG_0908.jpg; IMG_0759.jpg

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Good Afternoon, Chief-

This is another email I would like included in the packet sent to City Council

Thank you,

Stacey

----- Forwarded message -----

From: Jemi Broussard <jemibroussard@gmail.com>

Date: Mon, Aug 31, 2020 at 3:17 PM

Subject: In Support of Backyard Chickens

To: <Agradysexton@concordnh.gov>

Cc: Jemi Broussard <jemibroussard@gmail.com>, <laura.morrison2@comcast.net>, <staceyfm@gmail.com>

Dear Councilor Grady Sexton,

I'm writing to you to support the new backyard chicken ordinance reducing the required distance between chickens owned by backyard farmers and their neighbors, because it will allow expansion of ownership to more of our fellow Concord residents.

Our family has owned backyard chickens since about 2011, when our daughter Elizabeth Broussard (CHS '08) returned from college in Iowa one summer to build a chicken coop, as part of her self-designed college major in "Food and the Environment."

She understood the benefits of backyard chickens which clearly produce more healthful, superior eggs, proven to have less cholesterol, less saturated fat, more vitamins A, E and D, as well as more omega-3 fatty acids and more beta carotene.

After college Elizabeth was a Food Corps volunteer worker in public schools in CT and MS, before being hired in her current position as Food Justice Project Coordinator for the State of MS, tasked with insuring culturally-appropriate food banks and sources of food for under-served populations there, including The Vietnamese and the Choctaw Indians. In September she will graduate from a first-ever national Food Policy Graduate Program offered by AZ State University. When she calls home frequently, though, Elizabeth always checks on our efforts as South End chicken farmers!

Especially in a time when young learners may be home for more online & computer learning this Fall, the very "real," hands-on lessons of an outdoor project in the science of animal husbandry and growing one's own food, nevermind responsibility for feeding, care and protection from predators, required of responsible owners and overseen by parents, could be life-changing.

In our case we see a reduction in pest insects in our yard, we supplement their feed with our own food waste, we use mulched chicken manure on our large gardens, and enjoy plenty of fresh eggs yearly. And we are no longer fearful of salmonella bacteria from eggs on the grocery store shelves, which can sit from collection to purchase for as long as a month.

Most recently, we raised a small flock from chicks we kept on our back porch until they were ready to be moved outdoors. My husband and I have delighted in sharing them with our toddler grandchildren (see attached photos of Evangeline, age 3, with her adopted favorite, named by her "Chick," and her younger, far-less-careful, 18-month-old Michael). Chickens, for those who may not know, do adapt to handling and seem to enjoy human company, and acclimating them to humans helps when there is a need to check the health of a chicken by handling it.

Little Michael, known as an accident prone little guy, joyfully discovered an egg in the nesting box during one visit this summer. Excited and deliberate, he cradled his egg across a wide expanse of lawn, across our driveway, up a series of stairs and into the kitchen, where he gently (and miraculously) rested it in Grammie's chicken-shaped egg collection bowl. Great job, little man!

Please let me know if you have any further questions, and again, I do hope you will vote YES to the new inclusive boundary limit.

Gratefully,

Jemi Broussard
Homeowner
233 South St.
Concord, NH 03301
603-224-0413

Osgood, Bradley

From: Stacey Brown <staceyfm@gmail.com>
Sent: Thursday, December 10, 2020 4:09 PM
To: Osgood, Bradley
Subject: Fwd: Support of Backyard Chickens in Concord

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Good Afternoon, Chief-
This is a third email I would like included in the packet sent to City Council
Thank you,
Stacey

----- Forwarded message -----
From: **Christina White** <twhite@aes-world.org>
Date: Mon, Aug 31, 2020 at 3:24 PM
Subject: Support of Backyard Chickens in Concord
To: PSAB@concordpolice.com <PSAB@concordpolice.com>

To Whom It May Concern,

As a director of a non-profit STEM education program in the City of Concord, and a resident of a neighboring town, I would like to express my support for city residents to raise chickens in their backyards. While I know that the subject is controversial, there are many positive reasons to allow residents to raise chickens. As an educator, I support opportunities which allow our youngest community members to learn and grow through experiences. Activities such as keeping chickens, just like having a garden, or a family pet, can be a positive experience that allows children to explore and learn important skills such as responsibility, caring for others, where our food comes from, and sustainability. In addition to their educational value, chickens can provide food security for the community, not just for the family raising them. When cared for properly, chickens can lay healthier eggs than those from larger commercial farms, and they lay regularly, proving a sustainable source of quality nutrition, which supports sustainable agriculture. Chickens also help maintain healthy ecosystems in yards. They provide an organic fertilizer and lawn aeration, as well as offer organic pest control and act as natural weed killers in backyard gardens and lawns.

With the help and guidance from local experts such as the University of New Hampshire Cooperative Extension, local 4-H Clubs and community members, I am confident that the City of Concord and it's leaders can establish clear rules around raising backyard chickens and share best practices so that those who wish to do so, may responsibly have chickens on their property. Such guidance will help chicken owners keep healthy chickens, while still respecting neighbors, so that the chickens do not become a nuisance.

Thank you for your thoughtful discussion of this matter and your consideration to allow Concord residents to have backyard chickens.

Sincerely,

Tina White

Tina White

Director, Young Inventors' Program of Northern New England

Academy of Applied Science

twhite@aas-world.org

603.228.4530 www.fuelthespark.org



Fueling the Spark of Genius

Osgood, Bradley

From: Stacey Brown <staceyfm@gmail.com>
Sent: Thursday, December 10, 2020 4:05 PM
To: Osgood, Bradley
Subject: Fwd: Chicken Ordinance

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Good Afternoon, Chief-
This is an email I would like included in the packet sent to City Council
Thank you,
Stacey

----- Forwarded message -----

From: al [alancantorconsulting.com](mailto:al@alancantorconsulting.com) <al@alancantorconsulting.com>
Date: Thu, Aug 27, 2020 at 1:55 PM
Subject: Chicken Ordinance
To: agradysexton@concordnh.gov <agradysexton@concordnh.gov>
Cc: Francesca Brown <francesca.m.brown2017@gmail.com>, staceyfm@gmail.com <staceyfm@gmail.com>

Dear Amanda,

I'm writing as a South End resident to support making Concord a more chicken-friendly city.

I'm not a chicken owner myself, nor, to be honest, am I tempted. (Our yard is tiny; our attention span, fleeting.) But, for the life of me, I don't understand how society expects us to put up with the barking of our neighbors' dogs at all hours, but somehow be annoyed and offended by the gentle clucking of a hen.

I love hearing the few poultry around my neighborhood, and I love that they produce food and eat pests. I'm especially grateful for the occasional fresh egg I'm given. I think we all should be encouraged to have pets and animals that bring us closer to our food sources. I'm utterly pro-chicken – and I'd encourage the Safety Board to welcome our feathered friends to our neighborhoods with fewer restrictions.

Thanks so much!

All the best,

Al Cantor

Alan Cantor

Principal

Alan Cantor Consulting

88 Allison Street

Concord, New Hampshire 03301

ALAN CANTOR
CONSULTING

603-715-1791 (office)

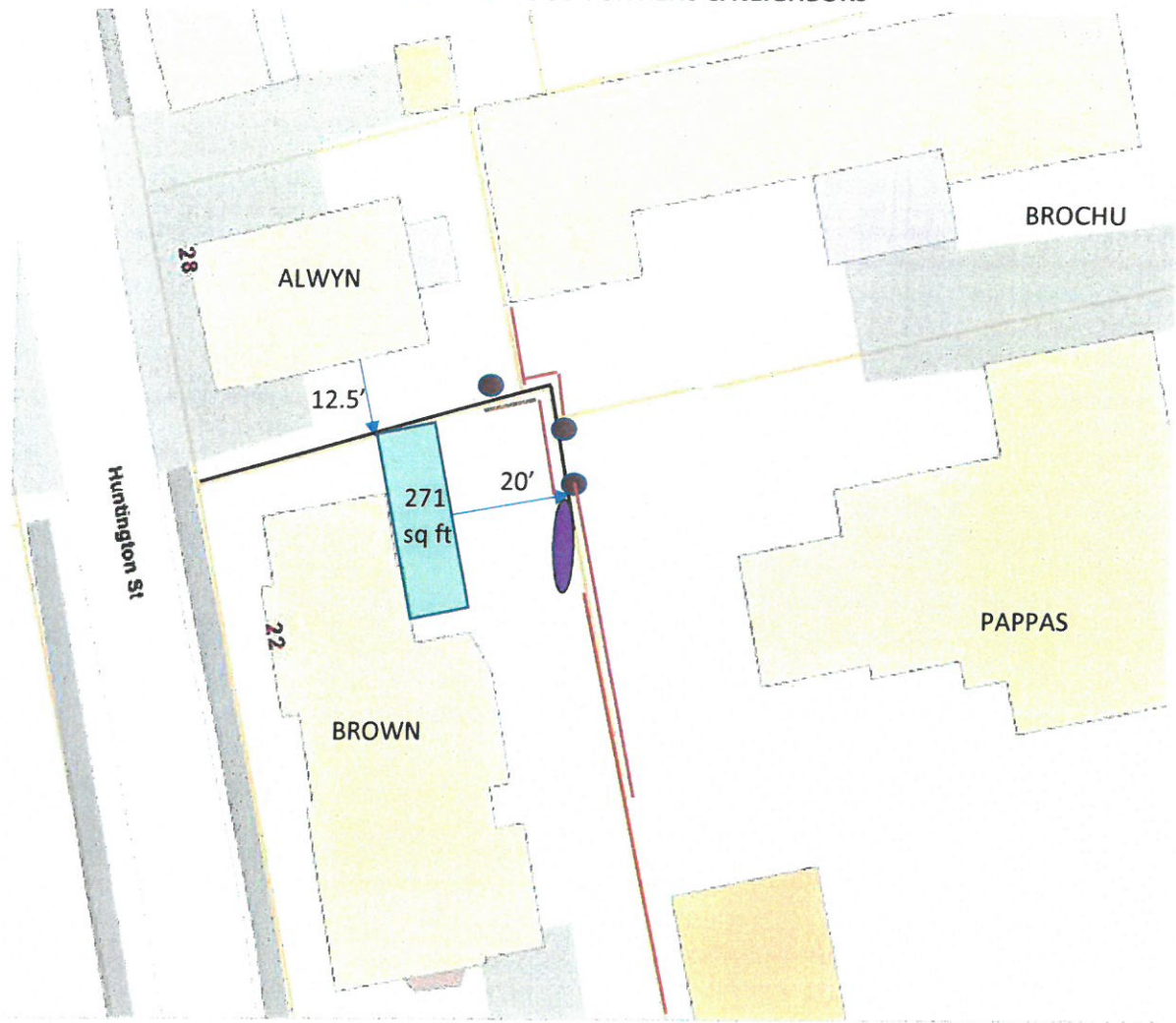
603-867-1741 (mobile)

al@alancantorconsulting.com

www.alancantorconsulting.com



FENCES ARE GOOD FOR HENS & NEIGHBORS



KEY:

- 20'+ tall Maple trees
- 6' Wood Paneled fence
- 4' chain-link fence
- 8'+ Lilac bushes
- 9' x 30' enclosed chicken run (2014)



Housing and Space Guidelines for Livestock

As New Hampshire becomes more urban, the potential for conflict between the farming and non-farming communities increases. By using *best management practices*, farmers can greatly reduce or eliminate problems arising from odors and flies, pesticide drift, contamination of surface and ground waters, and damage to neighboring crops. Following best management practices can help eliminate problems that arise between farming activities and other land uses in urban environments.

Farming activities may involve full-time, part-time or backyard farmers. Existing commercial farms, as defined by RSA 21:34-a, are protected by the Right to Farm Law; RSA chapter 432. This allows for properly managed agricultural enterprises to continue operating in residential areas.

Housing

Most farm animals need some kind of shelter to escape the elements. Most people think winter is the most important time to provide shelter but an animal's natural coat can allow them to tolerate much colder temperatures than people can. Summer heat can by far, be harder on animals than winter if shade is not available to them either by trees or structures if they are out on pasture, or lack of ventilation in a barn or building. Many livestock animals like pigs and rabbits, do not sweat, so heat stroke can quickly set in. A simple, three-sided shelter with an open front will meet the needs of many farm animals on pasture and is often the building of choice to raise healthy livestock. When designing a three-sided animal shelter, make sure the open side faces south, away from prevailing winds. Locate the structure on an elevated, well-drained site and keep winter access in mind for feeding and water handling.

UNH Cooperative Extension Programs

	Community and Economic Development
	Food and Agriculture ✓
	Natural Resources
	Youth and Family



*Refer to the "Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire" for specific guidelines on proper animal waste handling and barnyard management. Online: <https://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf> or call the New Hampshire Department of Agriculture, Markets & Food, at 603-271-3551.

There are several factors to consider when planning adequate livestock shelter in cold weather:

- **Air quality:** Animal shelters should be open, providing natural ventilation, or enclosed, using fans and proper air inlets around the ceiling perimeter to provide good air circulation. Tight buildings result in a buildup of respiration gases, and animal odors, which can irritate the animal's lungs and cause pneumonia. *Dangerous ammonia levels*¹ can also build up and lead to suffocation death of animals and their caretakers.
- **Drafts:** Animals can stand cold temperatures, but you should protect them from drafts. Constructing panels in front of an open building can reduce drafts. Consider drafts at animal height, not person height. When animals are allowed to run loose in a pen instead of being hitched, they will search for the most comfortable spots as needed.
- **Dry bedding area:** Animals will be far more comfortable in the cold if they have clean, dry bedding. A thick, dry bed provides insulation from the cold ground and decreases the amount of energy the animal has to expend to keep warm. Shelter from the snow and rain allows an animal's coat to remain dry, which provides maximum insulating value.
- **Fresh water**²: All animals need water to survive. Under cold conditions, provide fresh water often or use freeze-proof watering devices. Animals will drink more when water is 50°F.
- **Adequate food:** Animals can endure severe cold temperatures if they eat enough food (energy) to maintain their energy reserves (body fat). Animals need energy for growth and maintenance. Extra energy is expended to keep warm. Therefore, they will require additional amounts of good quality feed during cold weather. For herbivores, free choice hay in hay racks should be supplied in addition to a purchased feed.

Space

Refer to the table on the next page for estimates on the space needs of various animals for exercise yards and pasture. If zero pasturing is practiced, you will have to provide adequate purchased feed, have an exercise yard and develop a sound plan for manure management.

If you do provide pasture, the number of animals it will support per acre depends on soil fertility and environmental considerations. These conditions vary widely across the state. *Rotational grazing*³— the practice of sectioning off a piece of a pasture with electric fencing and confining animals in that section, then repositioning the fence and moving animals to another section depending on grass growth— prevents pastures from being overgrazed, helps prevent internal parasite loads, and will support more animals than a set stock system.

The following table lists the suggested minimum space required, housing types and fencing needs of various farm species, along with the number of animals that will meet the food, fiber, recreation and other needs of an average family farmstead. This is a rough guide. For more information and guidance, contact your local County Field Specialist.

¹ *Dangerous ammonia levels:* [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex8271/\\$file/086-6.pdf](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex8271/$file/086-6.pdf)

² *Individual water requirements:* <http://www.ag.ndsu.edu/pubs/ansci/livestoc/as1763.pdf>

³ *Rotational Grazing Guide:* <https://extension.psu.edu/four-steps-to-rotational-grazing>

**Suggested Space and Housing Guidelines
for Fully Mature Farm Animals**

Animal	Horse	Beef Cow	Dairy Cow	Dairy Goat	Pig	Sheep	Hen	Broiler	Turkey
Unit	1 horse	1 cow	1 cow	1 goat	1 pig	1 sheep	1 hen	1 broiler	1 turkey
Enclosed Housing Area/Animal	- Tie stalls 45 sq. ft.; 5' x 9' - Box stall 12' x 8' or 10' by 10'	75-100 sq. ft.	75-100 sq. ft.	20-25 sq. ft.	48 sq. ft. with exer- cise yard; 100 sq. ft. without exercise yard	20-25 sq. ft.	3-4 sq. ft.	3-4 sq. ft.	6 sq. ft.
Exercise Yard Area/Animal	200 sq. ft.	100-125 sq. ft.	100-125 sq. ft.	50 sq. ft.	200 sq. ft.	50 sq. ft.	10 sq. ft.	-----	20 sq. ft.
Pasture Area/Animal	1-2 acres	1-2 acres	1-2 acres	0.2-0.3 acres	12-14 sows/acre/ rotational pasture	0.2-0.3 acres	-----	-----	100 sq. ft.
Type of Housing and Boundary Setback	Enclosed ventilated barn or open 3-sided barn. Setback 50 ft.	Open front 3-sided barn. Set-back 50 ft.	Open front 3-sided barn, free-stall or enclosed stanchion barn. Set-back 50 ft.	Enclosed barn with remov-able side panels or windows. Setback 50 ft.	Enclosed barn, huts, shed, hutches or lean-to. Setback 50 ft.	Open front 3-sided shed. Set-back 50 ft.	Enclosed barn. Set-back 50 ft.	Enclosed barn. Setback 50 ft.	Enclosed barn. Setback 50 ft.
Fencing	-Electric -Wooden rail -Woven wire	-Barbed wire -Electric -Woven wire	-Barbed wire -Electric -Woven wire	-Electric -Woven wire	-Electric -Plank rail	-Electric -Woven wire	-Chicken wire	-----	-Chicken wire
Family Needs	1 horse per family member	1/2 - 1 beef animal/year; raise 2 animals/yr to provide continuous supply	1-2 cows	2-3 goats	2 pigs per yr.	6 sheep	6 hens	24 broilers	12 turkeys

Note to municipal planners: The minimum space and housing guidelines in the chart apply to both commercial farms and backyard operations. However, you should not apply the numbers of animals suggested in the "Family Needs" category to commercial farms when drafting ordinances regulating agriculture in your community.



Created: June, 2009
Updated: December 2017

Visit our website:
extension.unh.edu

UNH Cooperative Extension brings information and education into the communities of the Granite State to help make New Hampshire's individuals, businesses, and communities more successful and its natural resources healthy and productive. For 100 years, our specialists have been tailoring contemporary, practical education to regional needs, helping create a well-informed citizenry while strengthening key economic sectors.

The University of New Hampshire Cooperative Extension is an equal opportunity educator and employer. University of New Hampshire, U.S. Department of Agriculture and N.H. counties cooperating.

About the Authors

Original fact sheet written by David Seavey and John Porter, Extension Educators, June 2009. Updated by Dot Perkins, Field Specialist, Dairy Forages and Livestock Team, December 2017.

For More Information

State Office
Taylor Hall
59 College Rd.
Durham, NH 03824
<http://extension.unh.edu>

Education Center and Information Line
answers@unh.edu
1-877-EXT-GROW
(1-877-398-4769)
9 a.m. to 2 p.m. M-F
extension.unh.edu/askunhex-tension

I SUPPORT CITY CHICKENS

NAME	SIGNATURE	ADDRESS (Street/Town) loop	EMAIL (if you want us to keep you in the loop)
STACY KLINK		31 S. SPRING ST corner	S
Justin Littlefield		31 Cherry St.	
Katie Covarrine		53 Ashford	
Jacob Christie		2 Meadland Ave	
Jaclyn Fisher		102 South Street	
Devon Ayer		31 Liberty St.	
Robert Fursling		33 4th East St	
Kay Porter		23 Prospect St	
Natasha Young		17 Timberline Dr	
Sam Young		186 E. S. 2nd St	
Reginae Duff		328 Huntington Dr	
Sam Lacy		6 Auburn St	
PRISS		14 Auburn St	
Jill Hamel		9 Thebourne Rd	
Jason R. Jordanhazy		16 Fisk Road	
Andrea Jordanhazy		16 Fisk Rd	
Samantha D. Elliott		9 Tabanta St.	
Chip Rake		2 Auburn St	
Fiona Elliott		9 Tabanta St.	
Megan Ryden		307 Pleasant St.	
Lindsay Gardin		21 Auburn St	
Anne Unness		17 Auburn St	
Kristin Sullivan		9 Pine St	
Priscilla		307 Pleasant St	

I SUPPORT CITY CHICKENS






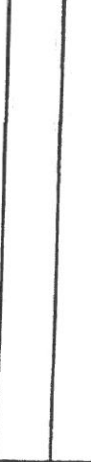

NAME	SIGNATURE	ADDRESS (Street/Town)	EMAIL (if you want us to keep you in the loop)
Mark Gold	<i>Mark Gold</i>	77 Centre #1, Concord	
Nicki Bourne	<i>Nicki Bourne</i>	33 Merrimack	
Rea Garmich	<i>Rea Garmich</i>	33 Merrimack	
Lacey Tokash	<i>Lacey Tokash</i>	31 Merrimack	
MORISANA WEST	<i>MORISANA WEST</i>	38 MERRIMACK	
Leslie Thomas	<i>Leslie Thomas</i>	76 School St.	
Judy Fairbough	<i>Judy Fairbough</i>	78 School St.	
KATHY LONGLEY	<i>KATHY LONGLEY</i>	78 School St	
TOM + AGNES ELLIS	<i>TOM + AGNES ELLIS</i>	84 School St	
Marci Miller	<i>Marci Miller</i>	50 Centre St	
Emma Syms	<i>Emma Syms</i>		
Hannah Miller	<i>Hannah Miller</i>		
Olivia Syms	<i>Olivia Syms</i>		
J.M. DEJWAR	<i>J.M. DEJWAR</i>	88 School St	
Soy Deegan	<i>Soy Deegan</i>	88 " "	
Embow McDonald	<i>Embow McDonald</i>	638 Rte 2A	
Ray Perkins	<i>Ray Perkins</i>	105 School St	
Karena Perkins	<i>Karena Perkins</i>	" "	
Nicole Fox	<i>Nicole Fox</i>	19 Merrimack St	
NATE BRISSETTE	<i>NATE BRISSETTE</i>	20 Holt St.	
Parade Fox	<i>Parade Fox</i>	19 Merrimack St	
JOE PLACENT.	<i>JOE PLACENT.</i>	96 School St	
BRENDA LEE PLACENT	<i>BRENDA LEE PLACENT</i>	" "	
Michelle Radie - Offin	<i>Michelle Radie - Offin</i>	98 School Street	
Michelle Radie - Offin	<i>Michelle Radie - Offin</i>	100 School Street	

I SUPPORT CITY CHICKENS

EMAIL (if you want us to keep you in the loop)

NAME	SIGNATURE	ADDRESS (Street/Town)	EMAIL (if you want us to keep you in the loop)
DAVID CIOLFI		111 Seaton St Concord	
Carey Hagen		11	
Sill Pelletier		18 Hutchins St.	
Mike Pelletier		18 Hutchins St.	
Emily Carbone		32 Fox Cross Circle	
Katie Byssette		20 Holt St.	
Richard Saunders		18 Holt St	
Pellehyde		16 Holt St	
Mike Sheehan		14 Holt St	
Ginger Sheehan		11	
KATHLEEN O'HILL		12 HOLT ST	
Joe Magruder		12 Holt St.	
Jarah Spack		58 Primrose Ln.	
Stephanie Baldwin		20 Washington St	
Andy Baldwin		20 wasningtonst	
Jenn Spack		58 Primrose Ln	
Gentle Baldwin		10 Holt St. Conc	
Nanessa Mitchell		74 Holt St. Conc	
Will Guinn		23 Rubins St.	
Stormy Begin		128 women St #1 Concord	
Marc Begin		120 women St #1 Concord	
Jane Miller		2 Holt Concord	
Jm Miller			
Thom Defelice		3 Branch Tpce	

I SUPPORT CITY CHICKENS

NAME	SIGNATURE	ADDRESS (Street/Town)	EMAIL (if you want us to keep you in the loop)
James Reynolds		37 Federal St	
Richard Hammonds		33 Christian	
Megan De Vorse		101 Shortfalls Rd	
Alan M. Cantor		6 Cambridge St	
Christophe Johnson		88 Allison St	
Henry D. Sobel		6 Cornhill St	
Jacqueline Powell		134 Alice Drive Apt. 115, Beacon	
		17 Beacon St	

(mic)

Osgood, Bradley

From: Sexton, Amanda
Sent: Thursday, August 27, 2020 1:37 PM
To: Osgood, Bradley
Subject: Fwd: inquiry from website

Dear Chief,

Mrs. Brown has asked for this correspondence to be forwarded to the Board.

Thank you,
Amanda

Amanda Grady Sexton
City Councilor At-Large
41 Green Street
Concord NH 03301
603.548.9377
<http://www.concordnh.gov/>

Begin forwarded message:

From: Stacey Brown <staceyfm@gmail.com>
Date: August 27, 2020 at 12:20:02 PM EDT
To: "Sexton, Amanda" <AGradySexton@ConcordNH.gov>
Subject: Fwd: inquiry from website

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Good Afternoon!

I recently reached out to a NH Master Gardener for information regarding chickens and composting and thought the Safety Board may find her response informative. It is included below.

----- Forwarded message -----

From: Smith, Ruth <Ruth.Smith@unh.edu>
Date: Tue, Aug 25, 2020 at 7:55 PM
Subject: RE: inquiry from website
To: Stacey Brown <staceyfm@gmail.com>

Hello Stacey,

As a chicken owner myself, I'm happy to answer your question. I also recommend that when you have future questions about gardens that you contact our Infoline at answers@unh.edu or 877-EXT-GROW.

First of all the trick with chickens and gardens is to have them where you want them, and not in places where they could cause damage. Fencing your garden and/or your chickens will be essential to manage the interaction between plants and birds.

Chickens are great at cleaning up weed seeds and insects in a bed after it has been harvested or before it is planted. They also add fertilizer. We use a "chicken tractor" which is a portable pen that we put in the area of the garden that we want cleaned up. Moving them frequently will insure that they don't have too harsh an impact on the plot. Also the size of the pen and the number of birds is important. Great resources include a book called: "Chicken Tractor" by Andy Lee and Pat Foreman.

Other books that I recommend are: "The Small Scale Poultry Flock" by Harvey Ussery

If you are "pasturing" your chickens in an area where "weeds" are growing - dandelions, lamb's quarters, yellow dock, clover are all good for them. Common weeds provide a variety of minerals for their diets. If you are looking to grow plants for them, they love any of the brassicas (broccoli, kale, cabbage); most greens are favored by them. They also enjoy eating squash and pumpkins - especially the seeds. Tomatoes, corn and many of the fruits are enjoyed. Things to avoid are onions and garlic, raw potatoes, and anything that is too far past being eaten by humans. The best rule of thumb is to not feed them too much of any one thing. Like for all of us, a well balanced diet and a variety is best.

Composting their waste is easy. If you have them in a coop with wood shavings as their bedding, you can allow that to accumulate, adding more shavings as needed to reduce the smell. Turn the bedding regularly. When it builds up, shovel it out and add it to your compost bin. Mix or layer it with other materials - paying attention to the carbon:nitrogen ratio. See resources about composting: <https://extension.unh.edu/search/google/composting> The nitrogen of the manure is a great way to heat up the compost bin and ensure that weed seeds and pathogens are killed. Do not put fresh manure on your garden though, it is too hot and will burn plants.

Here is a link to several articles about chickens on our website:

<https://extension.unh.edu/search/google/raising%20backyard%20chickens>

I hope you find these ideas and resources helpful. Best of luck with your garden and chickens. Thanks for contacting UNH Extension.

Ruth Smith
Master Gardener Coordinator
University of New Hampshire Cooperative Extension

-----Original Message-----

From: Stacey Brown <staceyfm@gmail.com>

Sent: Tuesday, August 25, 2020 7:14 AM

To: Smith, Ruth <Ruth.Smith@unh.edu>

Subject: inquiry from website

Caution - External Email

Good Morning, Ruth-

I would like to learn more about incorporating chickens with the home garden, specifically, best plants

to grow for them and how to compost their waste.
Do you have any suggestions or recommendations?
Thank you!
Stacey Brown

Osgood, Bradley

From: Sexton, Amanda
Sent: Thursday, August 27, 2020 3:32 PM
To: Osgood, Bradley
Subject: Fwd: Chicken Ordinance

Hi Chief,

I connected with Alan. He would like this email to be shared with the PSAB.

Thank you,
Amanda

>
>

> [CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe] Dear Amanda,

>

> I'm writing as a South End resident to support making Concord a more chicken-friendly city.

>

> I'm not a chicken owner myself, nor, to be honest, am I tempted. (Our yard is tiny; our attention span, fleeting.) But, for the life of me, I don't understand how society expects us to put up with the barking of our neighbors' dogs at all hours, but somehow be annoyed and offended by the gentle clucking of a hen.

>

> I love hearing the few poultry around my neighborhood, and I love that they produce food and eat pests. I'm especially grateful for the occasional fresh egg I'm given. I think we all should be encouraged to have pets and animals that bring us closer to our food sources. I'm utterly pro-chicken – and I'd encourage the Safety Board to welcome our feathered friends to our neighborhoods with fewer restrictions.

>

> Thanks so much!

>

> All the best,

>

> Al Cantor

>

> Alan Cantor

> Principal

> Alan Cantor Consulting

> 88 Allison Street

> Concord, New Hampshire 03301

>

> <image009.png>

>

> 603-715-1791 (office)

> 603-867-1741 (mobile)

> al@alancantorconsulting.com<mailto:al@alancantorconsulting.com>

> www.alancantorconsulting.com<http://www.alancantorconsulting.com/>

>

> <https://www.facebook.com/alancantorconsulting/>

> <image010.png>

> <https://twitter.com/Al_Cantor>
> <image011.jpg>
> <<https://www.linkedin.com/in/alcantor/>>
> <image012.png>
>
>



Why Keep Backyard Chickens?

Talking points for neighbors and town officials about the benefits of keeping chickens and responses to common misconceptions about backyard poultry

The Benefits of Backyard Poultry

- ◆ **Chickens are a great way to live a little more sustainably**
 - They provide a source of protein that comes right from your backyard. They have low “food miles”- meaning they don’t travel far to get to your plate and therefore don’t require the use of fossil fuel
 - Chicken manure can be composted and use as fertilizer in your garden
- ◆ **With backyard chickens, you know exactly where your food came from**
 - Because you raised your chicken, you know what it ate and how it was treated
 - You can eat eggs and poultry without supporting factory farming
- ◆ **You can get the freshest, healthiest eggs possible**
 - While there is conflicting information about exactly what the nutritional difference is between eggs from backyard chickens versus store-bought eggs, free-range eggs have been proven to have higher levels of key nutrients like beta carotene, omega-3 fatty acids and lower levels of cholesterol

Debunking Common Chicken Myths

- ◆ **Chickens are loud and disruptive to nearby neighbors**
 - Hens only make soft clucks generally not audible over 25 feet. Rooster are nosier, but its not necessary to have a rooster to have hens that lay eggs. Some towns have laws specifically prohibiting roosters because of the noise
- ◆ **Chickens and their manure smell bad**
 - Six hens produce the same amount of waste as one medium dog, but their manure can be composted and used as fertilizer. Chicken coops should be cleaned regularly to maintain sanitary conditions, this regular cleaning prevents the build up of waste that would cause the coop to smell
- ◆ **Having chickens in your yard will attract pests like raccoons and rats**
 - Chicken feed is most likely to attract these kinds of pests. Keeping the chicken feed in a secure, animal proof container will prevent pests from visiting the coop. Securing the chickens in an enclosure will protect the chickens and dissuade predatory visitors, like raccoons

Raising Backyard Poultry Without Ruffling Too Many Feathers: How to Comply With Local Regulations and Bylaws and Keep Your Neighbors Happy

by Kristen M. Ploetz, Esq

There is nothing like eating a freshly scrambled egg that, just moments before, was sitting cozily beneath a hen. As many readers already know, the taste and quality of an egg laid in someone's backyard is far better than any egg that can be purchased in a grocery store. Indeed, there is also something humbling about the sense of community that is created when food is produced and shared in this way.

Indeed, landowners raising small flocks of poultry have long been a presence throughout the world. In New England colonial times, long before the mass-produced chicken and egg industries took hold in the mid-twentieth century, settlers raised small flocks of poultry for meat, eggs and feathers. During the early 1800's, some family farmers kept small flocks on their properties to provide sustenance for the family as well as to augment the family's income or barter for services. Once vitamin D was discovered in 1922, more New England landowners were able to have flocks of birds year-round. Eventually, however, by the 1950's, oversaturated market conditions and the increasingly cheaper price of retail eggs resulted in most households getting rid of their backyard flocks. (For an interesting online photo exhibit, visit <http://www.foodmuseum.com/exchickenfarmingthenandnow.html> to view the Food Museum's Online Exhibit "Raising Chickens: Then and Now").

Now, for reasons ranging from a strong desire to eat locally sourced foods to concerns about food security to ethnic and cultural traditions, more people are starting once again to raise their own poultry for eggs and/or meat. While the number of individuals raising backyard poultry is largely anecdotal—most communities do not track the number of birds raised by residents—a quick search online suggests that this homesteading trend is growing and here to stay, even in urban and suburban areas. In fact, there are already many online affinity and "how-to" groups available to support the backyard poultry enthusiast: www.thecitychicken.com, www.backyardchickens.com, and <http://urbanchickens.org/>, just to name a few. There are also regional backyard poultry groups to assist new and longtime fans alike, such as the Pioneer Valley Backyard Chicken Association (Western Massachusetts), as well as "Meetup" gatherings (organized online) in many localities throughout the NOFA region and beyond.

But when it comes to raising backyard poultry, whether for eggs or meat, there are some important practical and legal considerations that should be considered before investing time and money into raising one's own food. This is especially true in urban and suburban areas where residents and local authorities may not be as familiar with agriculture and homesteading practices, as well as in any community where regulations for raising backyard poultry are murky, untested or lacking altogether. In those cases, one might have to scramble a few eggs to make an omelet, as the saying goes. But provided that those individuals who wish to raise backyard poultry take some precautionary steps and comply with all applicable laws, rules and regulations, resistance from local authorities and neighbors can be minimized or eliminated altogether in most cases.

Reach Out To Your Neighbors First

Setting aside for the moment the lawfulness of raising birds in any given community (which is discussed below), perhaps the first and most important step for a landowner intending to add some feathered friends to his backyard is first to reach out to neighbors to explain what he plans to do. This step is crucial because too often it is the fear of change and the unknown that motivates neighbors to oppose *any* change in their community—including completely legal land uses—even before they truly understand how such changes will ultimately impact them, if at all. Opponents' fears are typically fueled by ignorance about the land use in question, lack of credible information about how the proposed use will affect the neighborhood, if at all, and/or a general resistance to a use that differs in any way from what presently exists. In the zoning and development context, such opposition is unfortunately what drives "NIMBY"ism (Not In My Back Yard), often to the point where the din of opponents' voices is heard by local officials well before the project can be explained or put into perspective by the proponent. In many cases, it is direct abutters that voice the loudest concerns. Unfortunately, such vocal opposition can also lead to a proposed land use being derailed even before it starts, sometimes even when it is otherwise perfectly legal.

Fortunately, however, in the context of raising backyard poultry, such obstacles can often be minimized or avoided altogether if the landowner approaches her neighbors well before the first hen is scratching the ground. While it is not necessary that every house on the street be contacted, many land use conflicts are usually avoided if the landowner talks to any direct abutters and residents across the street. She should advise her neighbors of her intentions, even if it is a completely lawful use of her property. The conversation should be congenial, educational and non-confrontational. Offering to share eggs from time to time might even be enough of an olive branch for some neighbors to willingly accept that there will soon be backyard poultry living nearby. Many neighbors will be happy to learn that chickens are good foragers of unwanted insects, including those pesky grubs that might otherwise be inclined to ravage the pride and joy of many suburban homeowners, the ubiquitous (and arguably overrated) grass lawn. Any information that the landowner can provide about raising poultry and its generally benign and passive features can help soften even the most resistant neighbor.

In most cases, the main concerns of any neighbor will boil down to one or more of the following: noise, odor, potential for disease and/or attracting vermin (flies, rodents and predators), waste control and impacts on property values. If the landowner will be raising only hens simply for eggs, it is wise to point out that roosters are not necessary. Neighbors will be happy to hear that there will not be any notorious noisemakers among the flock. Additionally, the landowner should mention that there are sanitary and safety "best practices" that will be strictly followed to reduce potential for odor and vermin related issues. One should point out that chicken feed will be stored in secure metal containers, ventilation will be present in bird related structures, water supplies will be kept fresh and there will be a plan for eliminating fecal waste and old bedding in a safe and sanitary manner. Moreover, by having contingency plans during times of travel or extreme weather conditions, neither the birds nor the neighbors will have any reason to squawk. All of these

precautions will help eliminate potential for odors and attracting vermin, and thus reduce sources of potential conflict with neighbors.

Neighbors' concerns about avian flu, *Salmonella*, or other possible diseases can be dispelled by explaining that, given the current probable vectors of avian flu (wild birds) and *Salmonella* (factory farming and lack of proper sanitary practices like handwashing), the likelihood of the backyard flock (and therefore humans) contracting such diseases is minimal. Assure neighbors that, in any event, all necessary precautions will be taken to reduce exposure to wild birds that may carry communicable diseases. Some of these steps are eliminating open air water supplies that might be accessed by wild birds and installing closed roofs on pens to prevent wild bird droppings landing near the flock. Even if you don't want to go so far, as there is little evidence of disease problems from backyard flocks, and least make clear that all federal, state and local laws will be followed to prevent the spread of disease. Make clear that you not only want to protect your birds, but also public health.

Finally, as Robert Frost once penned, "Good fences make good neighbors." Even if a fence or other enclosure for backyard poultry is not technically required by local bylaws/ordinances or other applicable regulations, serious consideration should be given to enclosing the portion of the yard that will become the birds' nesting, feeding and foraging area. Otherwise, there is a risk of attracting unwanted predators to the flock. Moreover, the landowner may run "afowl" of local nuisance laws if any of the birds escape onto neighboring properties and cause damage. This kind of visible preventative measure is often enough to persuade neighbors that they will not be subjected to unwelcome visits from feathered friends (or their foes).

Know and Follow the Local Rules and Regulations

Not only should the backyard poultry owner reach out to neighbors, but he should also contact local officials to determine what rules, if any, apply to raising backyard poultry in the community. Presently, there is a wide spectrum of regulation in the NOFA region. To make matters more confusing, there are also often several *sources* of regulation that may impact the raising of backyard poultry in any one community or on a particular lot. These sources range from zoning bylaws/ordinances, board of health regulations, building codes, wetlands regulations, and animal control guidelines, not to mention state and federal regulations. The prudent landowner should generally become familiar with all of these laws to ensure that they are being followed.

Zoning

Before addressing the practical considerations and inquiries that the landowner should make, it is interesting to highlight some of the widely varied zoning bylaws among the communities within the NOFA region. Some communities have very detailed zoning regulations that expressly limit the number of birds allowed per lot, impose licensing and/or permitting requirements, and/or restrict the location and type of bird-related structures permitted on the lot. For example, in New Haven, Connecticut, the zoning ordinance allows up to six hens (but no roosters) on a lot within certain residential zones, provided that the landowner also abides by the other regulations pertaining to fencing,

housing, screening and property line setbacks, although the ordinance is silent as to whether a permit is required. In Holyoke, Massachusetts, raising chickens is allowed (as an agricultural use) in any zoning district only if the lot is greater than 5 acres; otherwise, chickens can only be raised on a lot smaller than 5 acres (as an accessory use to a dwelling) if the lot is located within the Residential-Agriculture (RA) zone and other setback requirements are met. In Winooski, Vermont, there is a license application/procedure (including two hearings before the Mayor and City Council and an annual registration fee) that must first be completed before the landowner can start raising poultry.

In other communities the regulations may be less detailed or so vague that it becomes less certain exactly what will ultimately be allowed on a particular lot. While it is certainly desirable to know exactly what parameters a landowner should follow, less detailed bylaws sometimes have the unintended but fortunate consequence of creating more wiggle room with town officials. For instance, a bylaw may allow an unspecified number of backyard poultry by special permit. This is the case in Sudbury, Massachusetts, where backyard poultry is allowed by special permit as an accessory use but without any specified maximum number of birds. Regulating poultry in this way allows the zoning board to make a discretionary determination of whether the proposed use is “in an appropriate location and not detrimental to the neighborhood” and that “the proposed use would not be detrimental or offensive to . . . adjoining properties due to the effects of . . . odors . . . noise . . . refuse materials or other visual nuisances”, among other factors. Provided the landowner can convince the zoning board that the size of the flock—which, practically speaking, should be sized appropriately for the lot anyway in order to prevent issues related to overcrowding—will not create these issues, there is a likely chance that the special permit will be allowed. On the other hand, where a bylaw is less than forthcoming and relies on a series of definitions and interrelated (and often conflicting) bylaw provisions and subsections, it is best to speak with the local official (or attorney) to seek guidance and clarification first before bringing birds to the property.

Still, many towns and cities, like Albany, New York, currently have outright bans on the raising of backyard poultry under the current zoning laws or other municipal regulations. Since most communities do not allow for use variances (although some do), residents in these areas will have a difficult time lawfully raising birds. While the unlawful raising of poultry is certainly not advisable for a variety of reasons (i.e. fines and being forced to remove birds immediately if discovered), it does appear that many individuals do carry on with backyard poultry unlawfully and under the radar without any consequence. Much of their success likely hinges on understanding (or unaware) neighbors and the use of good poultry management practices.

Fortunately, there are steps that a committed individual or group can take to repeal these bans, or perhaps further amend and improve the existing laws that do allow backyard poultry, and create zoning laws that are favorable to backyard poultry enthusiasts. For instance, in Massachusetts, the multi-step process to change an existing zoning bylaw or ordinance is governed by state statute, and includes opportunity for public hearings, necessary recommendations by local councils and boards, and ultimately, a vote by city council or town meeting. While these steps may seem onerous, considering the value of

creating the right to raise one's own food in one's backyard, the process is arguably worth the effort. With enough vocal support and public education about the benefits of allowing backyard poultry within the community, and the growing general awareness and appreciation of the virtues of locally sourced food, there is a strong argument to be made by those willing to undertake the effort. Often the end result is positive.

Indeed, this was recently the outcome in Providence, Rhode Island where, up until mid-September 2010, the raising of chickens was prohibited within city limits. Following a months-long and concentrated effort by some of Providence's residents who organized because they wanted the ability to *lawfully* raise poultry (some of the proponents had already been raising birds, albeit illegally), the city now allows one hen per 800 square feet (up to a maximum of six hens) of a residential lot. In Burlington, Vermont, there were ongoing public hearings in late 2010 before the Board of Health, resulting from the request of residents interested in changing the number of birds permissible under the city ordinance (currently it is limited to four birds per lot). As of December 2010, it appears that the issue has been tabled by the Board of Health, but the Board has indicated a willingness to offer a public debate about the raising of chickens when the issue is re-opened at a later time. That the Board is remaining open-minded is encouraging. Efforts are currently underway within NOFA/Mass to outline strategies and create model bylaws that other committed landowners and proponents of backyard poultry can use to effect positive changes in their own communities, so stay tuned.

In any event, considering the wide range of zoning laws pertaining to backyard poultry, the landowner should first consult with the local zoning enforcement officer or zoning board of appeals office to determine whether backyard poultry is permitted under the local zoning bylaw/ordinance. In some communities, the building inspector/department often plays the role of zoning enforcement officer and thus is also a good place to ask questions (although experience suggests that these individuals might not necessarily know all of the pertinent poultry regulations within the municipality, especially if there have not been many individuals seeking to undertake this activity in recent years). Additionally, the zoning bylaws are often available online and can provide insight as to what uses are allowed. Another helpful resource can be found at <http://www.backyardchickens.com/laws/search.php> (although proceed with caution as it might not be current or fully accurate to the extent that it is updated by members of the site only periodically).

In any case, a brief telephone call to the zoning board's office is often the most efficient approach. Once connected with the proper zoning authority, the primary questions to ask are:

- Can poultry be raised in your particular zoning district, and if they can, are there any limits on the number or sex of birds?
- Exactly what use is permissible? Some communities strictly prohibit the *sale* of eggs and/or on-site slaughter of chickens in residential areas, so ask about these uses if they are contemplated.
- Is a special permit or other approval first required and what is required for the application?

- Are there any related requirements or prohibitions (types of bird housing, enclosures, minimum allowable distance to lot lines/other residences, food storage requirements)? Depending on the answers to these questions, additional conversations with other local authorities or boards may be required.

In those rare instances where the zoning bylaw expressly allows the raising of backyard poultry *without* the need for a special permit or other zoning relief (a so-called “as of right” use), provided that the use is undertaken in accordance with specific local guidelines, the landowner is essentially permitted to begin raising his flock on his land. As explained below, however, the landowner should first consult the other relevant local authorities to confirm that there are no other applicable rules and regulations, such as board of health, conservation commission and/or animal control regulations that may apply.

In many cases, the backyard poultry use may be allowed in the zoning district, but first requires a special permit to be approved by the zoning board of appeals or other similar board. If this is the case, there will be a special permit application (and filing fee) that the landowner will have to complete, and there will be a public hearing before the zoning board that will ultimately approve or deny the special permit. In these instances, the landowner should provide as much detailed information as possible to impress upon the local authorities that this undertaking will not be creating a nuisance situation and will be undertaken in accordance with all applicable laws. Similar to neighbors, local boards are much more inclined to react favorably to a proposed use such as backyard poultry if they are convinced there will be no threat to public or environmental health and that the use will not diminish the community’s quality of life. Since the conscientious applicant will have already had the foresight to speak to neighbors before filing the application—thereby hopefully warding off any detractors—it reduces the chance of opponents voicing their concerns at the public hearing and giving the zoning board a reason to deny the permit.

The application fees vary widely among communities. For example, in Jersey City, New Jersey, it appears that the annual license fee is \$25.00, while in Sudbury, Massachusetts, which allows backyard poultry by special permit, the initial application fee is \$100.00, plus a \$25.00 public notice advertising fee; special permit renewals cost \$50.00. In Hamden, Connecticut, the zoning permit application fee (which, according to the Planning Office, is required only once) is \$90.00, but the zoning bylaw also requires submission of a plot plan that depicts the location of fenced enclosures, coop footprints and permissible areas on the lot for the coop; whether this plan must be prepared by a professional land surveyor is not specified in the bylaw but zoning boards typically prefer such plans, thereby possibly adding to the overall application expenses.

Provided that the proposed use meets all of the requirements of the zoning bylaw and there are no credible reasons to deny the permit, the board will be essentially compelled to approve the special permit. It should be noted that in most cases, the approval of a special permit application is somewhat discretionary, so there is a possibility that the board may ultimately deny the permit if it senses that there will be a nuisance or other unfavorable outcome to allowing the use. In any case, the board’s decision can be appealed in the trial court should either the applicant (or the neighbor) not like the ultimate outcome. Whether

filing (or defending) an appeal is worthwhile depends on the emotional and financial resources of the potential parties.

If the special permit has been approved, the landowner should pay particular attention to whether the permit will expire after a period of time or whether there will need to be a re-application at some point in the future. In Sudbury, Massachusetts, for example, the Zoning Board of Appeals granted just two special permits in 2010 for raising backyard poultry. Although there are farms in Sudbury that raise poultry, the residential backyard poultry phenomenon has been somewhat slow to date. According to the ZBA's office, in both cases these permits were valid for only one (1) year, apparently because the ZBA wanted to take a conservative approach in dealing with what is essentially a new type of land use seen within the community. In both cases the permits were subject to renewal following another public hearing at the time the permit was set to expire. This approach allowed the ZBA some wiggle room by creating an opportunity to revisit the issue and determine whether the use was creating any problems that would warrant discontinuance of the use. This past March, the ZBA renewed each of these special permits for five (5) years based on the lack of any problems reported by neighbors. Ideally, these types of examples will encourage others to raise backyard poultry as well as demonstrate to the community and local officials that this type of land use *can* be undertaken without creating any problems.

Building Department, Board of Health, Animal Control & Conservation Commission Regulations

Assuming that the proposed backyard poultry use meets all local zoning requirements and any necessary zoning relief is obtained, the landowner should also check in with the local building department, board of health, animal control officer and conservation commission to ensure that the use will comply with any applicable laws that are not covered by zoning. For example, if a poultry housing structure or enclosure will be sited on the property, the local building code may first require a building permit if the structure meets certain thresholds such as square footage, height, whether it is permanent, moveable or considered an "accessory" structure, if it will have electricity, and its distance from boundary lines. Similarly, some communities require fence permits before installing any type of fencing on the property, even if the fence falls completely within the lot lines.

Moreover, some communities, such as Watertown, Massachusetts, regulate some or all aspects of backyard poultry through their board of health and/or animal control officer rather than through zoning. In Watertown, the Board of Health has its own regulations governing the keeping of animals, which include an application/permit process and a series of explicit guidelines ranging from number of birds permitted per lot size to minimum setback requirements. Even if there are no specific board of health rules pertaining to backyard poultry in a given community, it is a good idea to inquire before it becomes necessary about how to handle diseased or dying birds, proper sanitary disposal of fecal waste, proper food storage, and required inoculations, if any. There may also be strict recordkeeping, inspection and annual licensing requirements mandated by the board of health or animal control officers. Knowing the scope of these regulations in advance will help for planning purposes and avoid unnecessary violations and fines.

In those communities with wetland resource areas, the conservation commission is the best source of information of how to comply with local and state wetlands regulations if all or a portion of the property is located within or near one of these protected resources or a buffer zone. The two primary causes for concern for any backyard poultry enthusiast will be the construction of any structure or alteration of land within a protected resource area, and avoiding any unlawful discharges of pollution (i.e. fecal waste) into the wetland or buffer zone area. A violation (even if unintentional) of wetland protection regulations can result in significant fines for the landowner, so it is important to determine whether the property and the proposed use thereon falls within the regulatory scope of all applicable wetland protection bylaws.

State and Federal Regulations

Finally, while the scope of this article is limited to relevant local regulations for the backyard poultry owner raising birds for his or her own personal use, if anyone is considering selling either poultry or eggs produced from their backyard flock, it is a good idea to check whether any state and/or federal regulations apply. In most cases, backyard poultry owners are raising very small flocks for their own personal consumption of eggs and/or poultry (as opposed to retail sales), and therefore are usually exempt from the inspection requirements under the Federal Poultry Products Inspection Act (PPIA) and Egg Products Inspection Act (EPIA). There is an informative flowchart on the USDA's Food Safety and Inspection Service (FSIS) website that helps determine whether a federal inspection is required for poultry slaughter (http://www.fsis.usda.gov/OPPDE/rdad/FSISNotices/Poultry_Slaughter_Exemption_0406.pdf).

Provided that the slaughter is not in violation of any local health or zoning laws, on-site slaughter is generally not subject to inspection. However, contacting local USDA officials is recommended if any sales of meat (even at farmer's markets) or other types of slaughter/transport are contemplated. With the exception of individuals residing in Vermont (which has its own inspection agency), those living in any of the other NOFA states should visit the FSIS website (www.usda.fsis.gov/Contact_Us/index.asp) to obtain the contact information for the applicable field office to have inspection questions answered. In Vermont, residents should contact the Vermont Agency of Agriculture located in Montpelier (802-828-2426). Moreover, anyone considering selling their eggs either on-site (assuming it is allowed under the zoning bylaw, although retail sales are rarely allowed in residential zones) or at a farmer's market should consult with their state officials to determine whether there are any inspection or labeling requirements related to the sale of eggs. This is because most states have their own statutes and regulations for the sale and labeling of shell eggs. Typically, the state's department of agriculture is the best place to start asking questions.

Nuisance Laws

Once the landowner has determined that raising backyard poultry is allowed on his lot and he has obtained all necessary permits and licenses, it will be important to remain a steward of best poultry practices and attentive to neighbors' quality of life concerns. Even though the use may be fully permissible and permitted, a landowner can still be subject to claims of

nuisance if he does not keep his birds in accordance with applicable laws or the reasonable expectations of the neighborhood. Indeed, most communities have general bylaws that prohibit excessive noise, odors and other similar nuisances. Such conditions can also be the basis of a common law claim of nuisance. There are a few scenarios where this becomes plausible. For example, consider the keeping of one or more roosters in a densely populated urban area. While most bylaws allow hens but prohibit roosters, some bylaws do not expressly forbid the keeping of roosters.

So while the urban landowner may *technically* be permitted to keep roosters on the property, if the noise is excessive, unreasonable and unbearable in relation to the proximity of neighboring property owners, it may create a nuisance situation. On the other hand, this same flock might go virtually unnoticed in a more sparsely populated rural neighborhood. One can see similar situations arising if the odors generated by the keeping of birds (from stagnant water or improperly disposed of waste) create an unbearably malodorous situation that annoys neighbors. Another scenario where a nuisance claim (and possibly trespass or property damage claims) might arise is when birds escape the lot or are not sufficiently enclosed and enter upon a neighboring property. While some neighbors might think it is charming to have hens roaming around their front yard and even beneficial to have some of their grubs eliminated, others might not be so enchanted, especially if their landscaping is damaged.

To prevent any type of nuisance claim from being advanced by neighbors, backyard poultry owners should be sensitive to their neighbors' desires to enjoy their own properties without disturbance. Again, delivering a few dozen fresh eggs from time to time probably does not hurt either.

Be Aware of Private Land Use Controls

In addition to all of the municipal regulations and nuisance issues, there are sometimes *private* land use controls that can dictate whether poultry can be raised on a particular residential lot. This is especially true in *newer* residential suburban subdivisions and townhome communities where there may be enforceable restrictive covenants or homeowners' association bylaws and regulations that restrict the types of uses permitted on one's lot in those neighborhoods. A quick check of these pertinent documents (often referenced in the deed) will advise the landowner of whether backyard poultry is allowed within the subdivision.

Given the intent behind creating these types of homogeneous neighborhoods, it is possible that backyard poultry will be prohibited. In those cases, the landowner should determine whether there is a process for seeking an exception from the homeowners association. As a practical matter, even in those cases where the restrictive covenants have some gray areas or allow for some exceptions, the inherent value and allure for many homeowners buying homes in these types of subdivisions is that they create uniform appearance by regulating certain matters of taste—fence styles, paint colors, limits on outdoor decorations, prohibiting certain types of pets. This creates an environment where there may be resistance by some residents to allowing backyard poultry. Once again, this is where reaching out to neighbors first becomes important.

Closing Thoughts

On the whole, it appears that many landowners hoping to add some hens to their backyard landscape are likely to find that they will be permitted to do so within certain parameters. Indeed, with a little investigative work at town or city hall and some advance reaching out to neighbors, there should not be too many obstacles to overcome before enjoying that first egg salad sandwich. Even in those communities where the local laws have not kept current with the local foods mindset and do not allow backyard poultry at the moment, it is clear that the possibility for change is significant as more and more people come to understand the benefits and truths about raising safe and healthy food in one's own backyard.

Kristen M. Ploetz, Esq. is a freelance writer and zoning and land use attorney licensed to practice in the Commonwealth of Massachusetts. She resides in Quincy, Massachusetts. Please feel free to email her at kploetz@comcast.net if you have questions. This article was intended for educational purposes only and to convey general information. It was not intended to provide legal advice or act as a substitute for competent legal advice from a licensed attorney in your jurisdiction based on your specific circumstances.

Osgood, Bradley

From: Raymond, Jessica
Sent: Monday, August 31, 2020 7:40 AM
To: Osgood, Bradley
Subject: FW: Backyard Chicken referral comment

FYI

Jessica Raymond

Administrative Assistant to the Chief of Police

Concord Police Department
35 Green Street
Concord, NH 03301

From: Colleen Ritchie [mailto:srcrkr@gmail.com]
Sent: Sunday, August 30, 2020 5:12 PM
To: Raymond, Jessica
Subject: Backyard Chicken referral comment

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

I live in Concord and have had chickens for the last seven years. As soon as we were able to have them I got them. We love having chickens and our neighbors have loved our chickens over the years and enjoyed not only chicken sitting for us when we're away but appreciating their personality and feeding them through the fence from time to time. The neighborhood children can't wait to stop by if we are in the yard so that they can come and say hello and they always bring a smile to the highschoolers walking by. It is not uncommon to hear 17-year-old boys making chicken noises at Chicken's from the road it cracks me up from inside the house. We have never had smells come from the chicken yard or coop over the years as a properly tended coop is not smelly.

As far as noise goes, hens can be a little bit prideful in their song after they lay an egg but typically it doesn't last more than a minute and it is after 9AM when my girls start laying. Other than the egg song, the majority of their noises are very mild and quiet -sometimes cooing and low clucking.

They make extremely good pets I adore them. Children adore them and especially backyard chickens that are raised as chicks they are extremely affectionate and have different personalities, voices and quirks just like any other pet.

I hold mine all the time and have never once gotten sick from a chicken or a chicken egg from my flock.

I truly wish everyone was able to enjoy having a small backyard flock of their own. I know that we are one of few properties that have the setbacks that are currently stated in the ordinance, but it would be so nice if more families could enjoy them.

We have an old property that has a barn on the premises that we couldn't put our chickens in because it was too close to property lines. We therefore had to invest over \$1000 in running electricity and building a coop in the center of our property because that was the only location that met the qualifications for the ordinance setbacks. Thankfully my husband was willing and built me a coop even though it was extremely expensive but it would've been so nice to have been able to use the location that was more suited for them.

I truly hope you consider my comments when making a decision about allowing the setbacks to be reduced as I truly believe 30 feet is excessive. Are chickens have to be enclosed anyhow and there is no threat to anyone's health or safety whatsoever from (female 😊) chickens.

I will contact my neighbors and see if they can also email in a comment so you can get both sides of the story. Or fence. Haha

Sent from my iPhone

Osgood, Bradley

From: Sexton, Amanda
Sent: Sunday, August 30, 2020 3:09 PM
To: Osgood, Bradley
Subject: Fwd: Chickens

Chief would you be willing to share with the PSAB?

Thanks,
Amanda

Amanda Grady Sexton
City Councilor At-Large
41 Green Street
Concord NH 03301
603.548.9377
<http://www.concordnh.gov/>

Begin forwarded message:

From: Erin Stewart <erinkstewart@yahoo.com>
Date: August 26, 2020 at 11:05:44 AM EDT
To: "Sexton, Amanda" <AGradySexton@ConcordNH.gov>
Subject: Chickens

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Hi,

I am writing about backyard chickens in concord. I live on a city lot, and during the pandemic have spent a lot of time dreaming about things I wish I could do in my yard (plunge pool, climbing structures, socially distant place for my mother...and the size of my yard and zoning have kept all of these as idle fantasies) Chickens are perpetually on my list of wants.

But... I made a choice to live in town, as did my neighbors. If my neighbors wanted local farm animals I am sure they would not have bought in downtown concord. I like the idea of having chickens myself much more than I like the idea of my neighbors having chickens. Even the best cared for chickens in the world are going to be squawking their chicken songs and eliciting a chorus of dog replies (my dog would certainly love to bark his song to a chicken).

Therefore I am not getting chickens, and I certainly hope my neighbors aren't either. And if they are I want the proper setbacks etc followed as chickens near my property line sounds like the worst of all worlds.

Thank you,
Erin Stewart
[102 School St](#)

Sent from my iPhone

Osgood, Bradley

From: Sexton, Amanda
Sent: Sunday, August 30, 2020 3:11 PM
To: Osgood, Bradley
Subject: Fwd: Chickens

Hi Chief,

Would you be willing to share with the PSAB?

Thank you,

Amanda

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Dear Councilor Sexton,

I support the initiative to allow residents to have backyard chickens in Concord. Chickens devour insects including ticks. Chickens also help provide eggs that can be used by the family or donated to the needy. Covid-19 has taught us the importance of safe, local food. Chicken waste can be handled safely and is useful as fertilizer for the many home gardeners who have realized that food shortages are just one transportation crisis or health crisis away.

Thank you,

Megan De Vorsey
6 Cambridge St.
Concord

Osgood, Bradley

From: Raymond, Jessica
Sent: Monday, August 31, 2020 2:05 PM
To: Osgood, Bradley
Subject: FW: Support of Concord Chickens

Jessica Raymond

Administrative Assistant to the Chief of Police
Concord Police Department
35 Green Street
Concord, NH 03301

From: Gail [mailto:gghammond@aol.com]
Sent: Monday, August 31, 2020 2:04 PM
To: Raymond, Jessica
Subject: Support of Concord Chickens

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Hi,

I wanted to write you in support of city chickens in Concord. Our neighbors have them and we enjoy 'the ladies'. We weren't sure how it would work out when they first got them, but we have grown very fond of our neighbors chickens and help with them when they are away.

My daughter enjoys visiting them and we often give them our veggie scraps. It's added a level of enjoyment for us, that we didn't expect.

There haven't been any issues with noise (we don't mind the general noises they make), smell or any other health issues for us.

Thanks,

Gail Hammond

Microsoft Edge - Home X
http://www.projectrackertractor50.asp

Neighbor
 Other

Reporter's Address
[Redacted]

Reporter's Phone
[Redacted]

Issue Description
Concern for keeping of chickens. Specifically, not maintaining required setbacks.

Date Received
9/22/14

Article/section
P://www.projectrackertractor50.asp

9/21/2019

Do more with Microsoft Edge - the fast, new browser built for Windows 10
Change my default Don't ask again X

Osgood, Bradley

From: Hawkins,Zandra-Rice
Sent: Monday, August 31, 2020 2:50 PM
To: Osgood, Bradley; Sexton, Amanda
Subject: Fwd: Chicken Ordinance Revision
Attachments: tax map.jpg; ATT00001.htm; aerial.pdf; ATT00002.htm

Zandra Rice Hawkins
Concord City Councilor, Ward 10
(603) 892-2150 (text/call)
zricehawkins@concordnh.gov

Begin forwarded message:

From: Susanne Smith Meyer <ssmla@comcast.net>
Date: August 31, 2020 at 2:30:08 PM EDT
To: "Hawkins,Zandra-Rice" <ZRiceHawkins@ConcordNH.gov>
Cc: * City Clerk <cityclerk@concordnh.gov>
Subject: Chicken Ordinance Revision

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Zandra,

I would like to share with you and the City Council an example of "what if" the Chicken Ordinance was changed from a 30' setback to 5'.

I live at 14 Shawmut street and my side property line is 5' from my neighbors(#8) home. If the ordinance was changed I could have a chicken coop closer to the abutters residence (outside their kitchen window) than mine. I strongly believe this would result in an unfair impact allowed by the city on abutting properties. Even if there is no odor or roosters the chickens (up to five in a lot under 1 acre) could be fenced in at this setback. I would be allowed more than 5 chickens as my lot is roughly 1.5 acres. I have been to chicken coops that are very clean, with no odor, but it was at a preschool so the owners were very vigilant in the cleanliness and safety.

I support residences having chickens but their presence should not adversely affect abutters. It is obvious the change would not affect my home but could most definitely affect the abutters. This condition could be a nightmare for abutters in the urban center especially where small non-conforming lots exist.

I hope, as you deliberate, that you will take this into consideration.

Respectfully,

Susanne Smith Meyer
14 Shawmut Street

Osgood, Bradley

From: Raymond, Jessica
Sent: Monday, August 31, 2020 3:25 PM
To: Osgood, Bradley
Subject: FW: Support of Backyard Chickens in Concord

This just came in

Jessica Raymond

Administrative Assistant to the Chief of Police

Concord Police Department
35 Green Street
Concord, NH 03301

From: Christina White [mailto:twhite@aas-world.org]
Sent: Monday, August 31, 2020 3:24 PM
To: Raymond, Jessica
Subject: Support of Backyard Chickens in Concord

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

To Whom It May Concern,

As a director of a non-profit STEM education program in the City of Concord, and a resident of a neighboring town, I would like to express my support for city residents to raise chickens in their backyards. While I know that the subject is controversial, there are many positive reasons to allow residents to raise chickens. As an educator, I support opportunities which allow our youngest community members to learn and grow through experiences. Activities such as keeping chickens, just like having a garden, or a family pet, can be a positive experience that allows children to explore and learn important skills such as responsibility, caring for others, where our food comes from, and sustainability. In addition to their educational value, chickens can provide food security for the community, not just for the family raising them. When cared for properly, chickens can lay healthier eggs than those from larger commercial farms, and they lay regularly, proving a sustainable source of quality nutrition, which supports sustainable agriculture. Chickens also help maintain healthy ecosystems in yards. They provide an organic fertilizer and lawn aeration, as well as offer organic pest control and act as natural weed killers in backyard gardens and lawns.

With the help and guidance from local experts such as the University of New Hampshire Cooperative Extension, local 4-H Clubs and community members, I am confident that the City of Concord and it's leaders can establish clear rules around raising backyard chickens and share best practices so that those who wish to do so, may responsibly have chickens on their property. Such guidance will help chicken owners keep healthy chickens, while still respecting neighbors, so that the chickens do not become a nuisance.

Thank you for your thoughtful discussion of this matter and your consideration to allow Concord residents to have backyard chickens.

Sincerely,

Tina White

Tina White

Director, Young Inventors' Program of Northern New England
Academy of Applied Science

twhite@aat-world.org

603.228.4530 www.fuelthepark.org



Fueling the Spark of Genius

Osgood, Bradley

From: Sexton, Amanda
Sent: Monday, August 31, 2020 10:33 PM
To: Osgood, Bradley
Subject: Fwd: Unable to attend today's 3:00 meeting -- Opposed on the chicken variance

Hi Chief,

Here's another email to share with the PSAB.

Thank you,
Amanda

Amanda Grady Sexton
City Councilor At-Large
41 Green Street
Concord NH 03301
603.548.9377
<http://www.concordnh.gov/>

Begin forwarded message:

From: Susan Cragin <susancragin@earthlink.net>
Date: August 31, 2020 at 3:07:40 PM EDT
To: "Sexton, Amanda" <AGradySexton@ConcordNH.gov>
Subject: Unable to attend today's 3:00 meeting -- Opposed on the chicken variance
Reply-To: Susan Cragin <susancragin@earthlink.net>

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

Ms. Sexton:

I would like to go on record as being opposed to any change to the setback requirement for chicken enclosures in Concord. I am sorry I cannot attend the meeting, even remotely, but my attention is needed in the office.

I live in Ward 4, where the buildings are close together and most are multi-family. Many buildings are built right up to the property line. Many backyards deep enough to house chickens are next to dwellings built right up to the property line, and there is a certain amount of conflict already, since noise and smells carry in the narrow areas between houses.

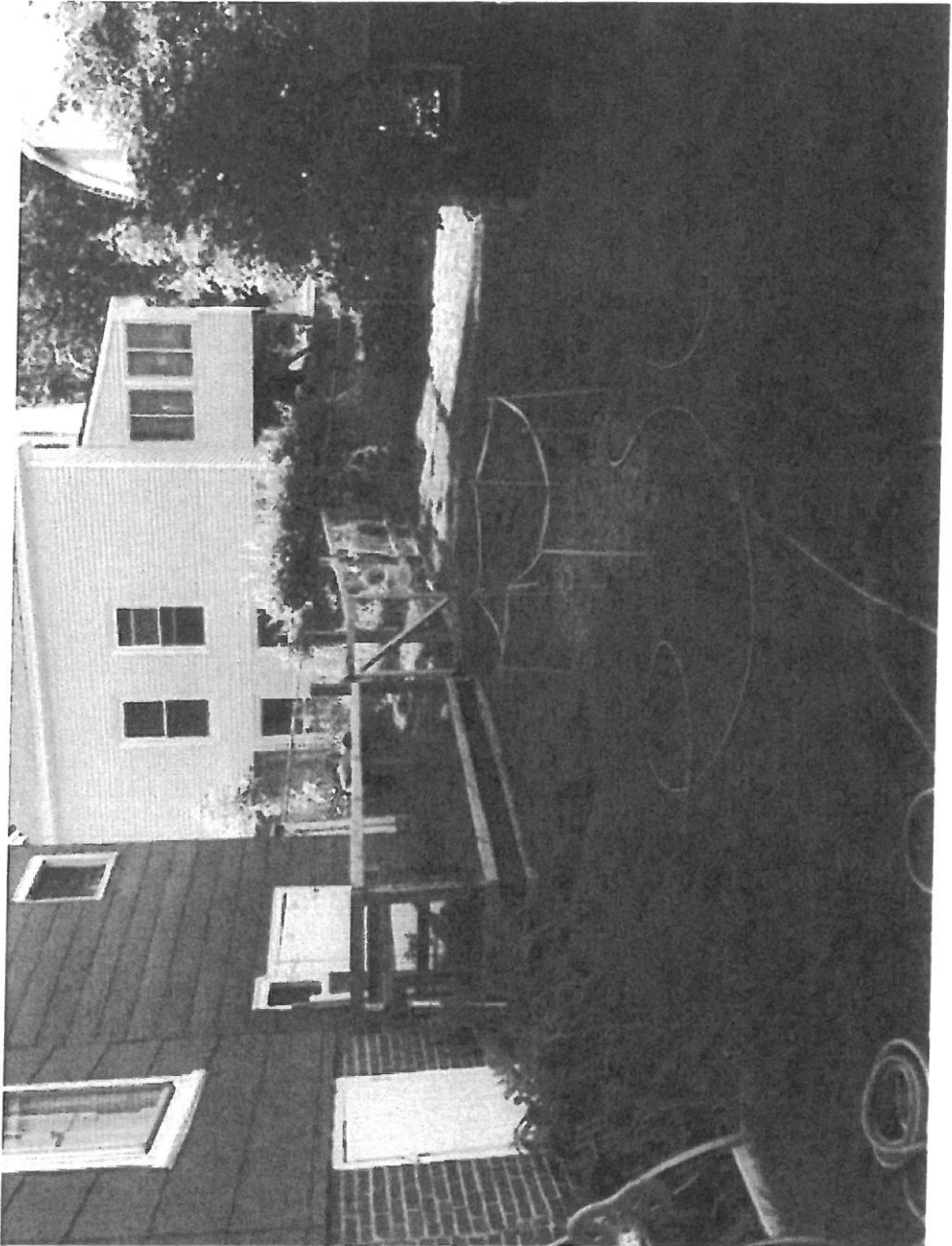
I would not want a chicken enclosure located 5' from my bedroom window, but that is what the bill seems to approve.

In addition, it runs contrary to the spirit and intent of current attempts to alter zoning to allow infill development. If the intent is to make Concord potentially more densely populated, then having chickens a short distance from the property line will exacerbate existing neighbor conflict.

<https://www.concordnext.info/>

In the instant case under consideration, I understand there is an ongoing personal dispute between the potential chicken-owners and their neighbors. I am not close to either party, but have heard about it from multiple sources. The proponent would not be eligible for a variance because at least two of her three adjoining neighbors object.

Yours truly,
Susan Cragin



Osgood, Bradley

From: Raymond, Jessica
Sent: Tuesday, September 8, 2020 7:58 AM
To: Osgood, Bradley
Subject: FW: My 2 cents on backyard hens

This came in over the weekend.

Jessica Raymond

Administrative Assistant to the Chief of Police

Concord Police Department
35 Green Street
Concord, NH 03301

From: Sherry Burbank [mailto:smburbank@gmail.com]
Sent: Friday, September 4, 2020 10:38 PM
To: Raymond, Jessica
Subject: My 2 cents on backyard hens

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]

We have had 4 hens in our .25 acre yard on South St for about 8 years. We currently have ISA browns and australorps and they get along great with my 2 dogs. The dogs keep the hawks away. The hens keep the tick population to near zero level. We get 3-4 eggs per day in the late spring through late fall. Just enough to feed my family of 6. My grandparents were NH farmers and I grew up always knowing how food is grown and processed from farm to table. The ability to have backyard chickens without the commitment of a 100 acre farm allows my own children to understand those important concepts. I'm glad to answer any questions the board may have.

Sincerely,
Sherry Burbank

--
Sent from Gmail Mobile