

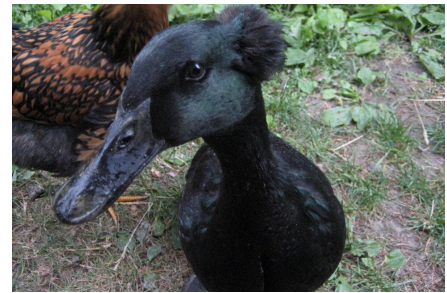
## Meet the Birds

My name is Frances, but you can call me Fearless Frances. I know what I want in life, and it's veggie pellets, power, and adoration. If the ducks drop a pellet in the run, I gobble it with abandon. You should see the way they yield to my prowess. Also, on special summer nights, I've been known to leap five feet straight into the air.



I'm Penelope, the prettiest duck. I ooze refinement and sophistication—and I would never wear my hair in a wild tuft like those other ducks. My owners think I'm easily frightened, but really I'm just cautious. Safety first.

You probably already know that I'm Potassium, the Best Duck, because I'm famous on the Internet. I have my own Facebook page with tons of adoring fans. I'm the only bird who can catch bread in my mouth when it's tossed my way. To be totally honest, I am irresistible (my head tuft is neither too much, nor not enough).



I'm Henrietta, and I love to be held and given little pets on my fluffy bronze plumage. I think I'm the most responsible bird. When it's bedtime, I try to lead the other birds into our coop before our owners have to come out. Usually I'm the only one who goes in... but I know I set a good example. And that's important.

Pleased to meet you, my name is Ferdinand. Quite frankly I am the most normal duck. Except for my head tuft—it is larger than my brain! By a lot.



# Accessory Use

Keeping hens in our backyard constitutes an accessory use of the property because it is “**subordinate to the principal use and customarily incidental to the principal use.**”\*

\*Definition of “accessory use” Source: Article 2.000 DEFINITIONS of the Zoning Ordinance of the City of Cambridge

- It is **subordinate** to the principal use because the coop and run occupy about 1% of the property and don’t affect other uses of the house or yard.
- It is **customarily incidental** to the principal use.
  - Ownership of pets, even types of pets that most people can not imagine wanting to have, is universally accepted as customarily incidental to residential use.
  - There is an accepted set of customs associated with the keeping of backyard hens. They are given clean shelter, medical check-ups, food, and water, and they are kept out of the street and neighboring properties. These practices are incidental to the residential use of a house in the same way that they would be incidental if applied to the ownership of a dog.
  - Keeping hens in this way is incidental to the overall use of our house and backyard. Everything else continues the way it did before. We continue to use the yard for picnics, barbecues, relaxing on the hammock, jumping on the trampoline, etc. The small number of hens and large area of our yard allows for this easily.
  - When the accepted set of responsible and healthy practices of backyard hen keeping are being followed, dozens of other densely populated cities all over America acknowledge backyard hen keeping as acceptable use of a residential property.
  - Cambridge lawmakers support hen keeping. Cambridge municipal law makes mention of ‘domestic owners of fowl’ and policies they must follow.

("Title 6, section 6.04.070 of the Cambridge, MA Code of Ordinances")

# Cambridge Residents Already Keep Many Pets, Including Hens

## Comments from our petition:

- Our four chickens are our children's pets - and a source of delight to the neighboring pre-school who crowd around to watch them through a window in the fence. – W.S., Cambridge
- I love chickens, and my friend has them. She shouldn't have to give them up – A.G., Cambridge
- I love my chickens and don't want to have to give them up – N.K, Cambridge
- One of my best friends owns chickens and I have seen first hand how they are an asset - not only to her family but to the community as a whole. – M.W., Cambridge

## Comments from our Web site:

- I have 5 laying hens and they don't smell or attract rodents and they make less noise than the local sparrow mob. My neighbors love getting the surplus eggs too! – C.D.
- Having raised chickens myself, I know what actually goes into doing it and the pros and cons. I believe that if you have the space in your yard, you should be allowed to keep ducks and chickens, as long as it is kept clean and the animals are well cared for, which seems to be the case here... – K.K.
- Keeping chickens is a very enjoyable endeavor. My chickens are pets with a benefit of providing my family fresh eggs. I find it very pleasing to look out my window to see them scratching the ground and foraging. They are relatively quiet and are kept clean... –J.J.
- We love our chickens and wish others that same joy and rights. Please allow these animals the right to be raised. –M.C.
- We have 3 lovely hens, Lola, Henno and Checkers. We got them as day olds 10 months ago and they have been such a joy! I grew up with chickens, but my family was skeptical. They are friendly, quiet, and such fun! Our neighbors love them and the kids on the street beg to come and help "collect" the eggs." –K, Cambridge

# Other Mass. Cities & U.S. Metropolises Permit Hen Keeping

## Massachusetts Cities

- **Belmont, MA.** You may keep chickens on residential lots with a special permit. Inspection required.
- **Newton, MA.** Hens allowed by special permit on lots under 5 acres. Over 5 acres agriculture is allowed without a permit.
- **Brookline, MA.** (Article 4, table item 57) Poultry is allowed, not more than 25 animals and 100 away from any residence not on the property. Additional regulations may be applied by the board of health.
- **Lexington, MA.** Up to 6 chickens allowed regardless of lot size. Any livestock allowed on lots exceeding 5 acres.
- **Concord, MA.** Allows for any livestock on all lots exceeding 5 acres. Has special zoning for agriculture.
- **Medford, MA.** Does not allow *any* agricultural uses of residential properties, although it appears if you call them “pets”, they are exempt from the restrictions.
- **Watertown, MA.** Allows for commercial agricultural uses on residential property only if it is 5 acres or larger, but non-commercial usage limits are not specified.
- **Wenham, MA.** Poultry allowed, but the town may restrict your operation if it causes a public nuisance (noise) or public health issues (disease).
- **Westwood, MA.** Poultry allowed by permit. \$10 annual fee. 15 ft. property setback.
- **Northampton MA.** A maximum of three hens allowed; no roosters.
- **Boston, MA**(Ch. 16, Sec 16.18A) Chickens allowed by permit, fee \$20. Certain limits in residential areas, but these are not listed in the city ordinance.

## U.S. Cities that allow hen-keeping (A sampling)

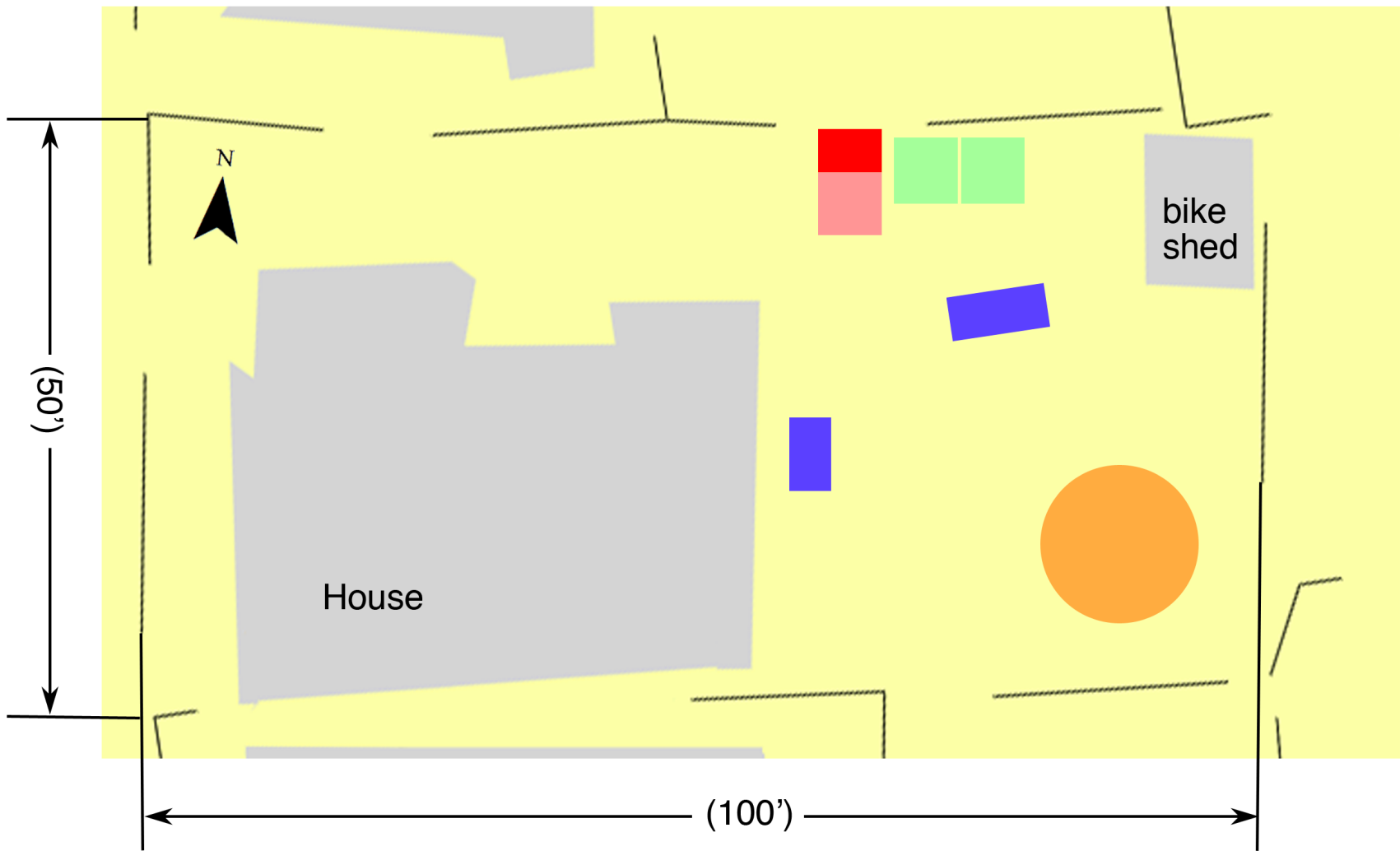
- New York, NY
- Chicago, IL
- Miami, FL
- Houston, TX
- San Francisco and Los Angeles, CA

## Cambridge Law & Lawmakers Acknowledge & Support Hen Keeping

- Title 6 of the Cambridge, Massachusetts Code of Ordinances, section 6.04.070 states “No owner or person having the care of any domestic fowl, or any goats, sheep, swine, horses, oxen, cows or other grazing animals, shall permit or suffer the same to go at large, or to graze on any street; and no person shall publicly exhibit any animal in the streets or public places of the City except in accordance with a permit from the Superintendent of Streets.”
- An order was unanimously adopted by the Council "requesting a report on what barriers would prevent residents from raising chickens and what could be done to remove these barriers."

## Hen keeping has a long history in urban settings and has even influenced our parlance.

- People have been keeping domestic ducks and chickens in urban settings for thousands of years all over the world.
- A reflection of mankind's intimacy with these animals can be seen in our common parlance. Every urban child understands what it means to be called "chicken." Other fowl-influenced expressions include "cockiness", "hen party", "chicks", "coming home to roost", "taking someone under your wing", "nest eggs", "puddle ducks", "fussing like a mother hen", etc.



Color Code:  Coop  Run  Container Gardens  Picnic Tables  Trampoline

# Our Beautiful Coop



**Coop Made of Antique Barn Wood**


**Container Herb Garden adds Insulation, Beauty**

**Described as “Nicely built, provides good protection from elements and predators” by Belmont’s Chicken Inspector, John Maguranis**



# Health and Our Birds

- As pet owners, we are concerned about the health of our birds. We ensure that they have sanitary conditions in their coop and in our yard. As members of a community, we are concerned about public health and maintaining a healthy safe household.
- Our birds are fed vitamin and protein enhanced pellets. These pellets are ideal for egg laying hens. In addition, our birds are free range and have full access to our yard. They consume grass and bugs in our yard. We very closely watch and maintain their diet.
- To ensure that the birds were in good health we took them to a veterinarian to get them checked. Dr. Greg Mertz D.V.M certified that all five of our birds are in good health and free of infectious diseases. (Jan. 30th 2010)



**Gregory A. Mertz, D.V.M.**


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THE ODD PET VET  
500 Columbian Street  
South Weymouth, MA 02190  
781-251-9131

**CERTIFICATE OF HEALTH**

Client name Liv Gold  
Client address 220 Putnam Ave  
Cambridge, MA 02139  
Animal name Papa 5514m Age 1 y ♀  
Species duck Breed Cayuga  
Weight 1775 grams Color black

On this 30<sup>th</sup> day of January, 2010, I have examined the  
above-referenced animal and have found it to be in good health and free of infectious  
disease.

  
\_\_\_\_\_  
Gregory A. Mertz, D.V.M.







Notes:

1. In an email correspondence regarding the legality and safety of having backyard chickens (Jan. 31, 2010)

----- Forwarded message -----  
\_From: **Cahill, Michael (AGR)**  
<[Michael.Cahill@state.ma.us](mailto:Michael.Cahill@state.ma.us)> \_Date: Sun, Jan 31, 2010 at 8:32 PM \_Subject: Re: Backyard chickens in Massachusetts  
\_To: "[barb.bryant@gmail.com](mailto:barb.bryant@gmail.com)" <[barb.bryant@gmail.com](mailto:barb.bryant@gmail.com)>, "Hageman, Edward (AGR)" <[Edward.Hageman@state.ma.us](mailto:Edward.Hageman@state.ma.us)> \_Cc: "Megrath, Megan (AGR)" <[Megan.Megrath@state.ma.us](mailto:Megan.Megrath@state.ma.us)>, "[lorraine.o'connor@state.ma.us](mailto:lorraine.o'connor@state.ma.us)" <[Lorraine.O'Connor@state.ma.us](mailto:Lorraine.O'Connor@state.ma.us)> \_

Hi, Barbara. \_\_The signature on the form your friends from Lincoln showed you must be Leslie Boardman, the municipal animal inspector from Lincoln. The only form I can think of that he would have furnished would be the owner's copy of the annual "barn inspection". Each fall we require all municipal inspectors to visit every property in town where any domestic livestock or poultry are housed (not always a "barn"). The inspection conducted is to ensure the animals on the property appear healthy (no obvious signs of illness), that they have access to fresh food & water and adequate shelter, and that the property is managed in an appropriate manner (proper food storage, good manure management plan, etc.). If all of those things are in good order, we just get a head count of each species on the property so we know what's there in the event of a disease problem or some other incident we may need to respond to. \_\_Each city and town is required to have an animal inspector. The municipal animal inspectors are paid by the town, but are appointed by me to act as agents of the Department of Agricultural Resources to assist us in disease surveillance and control. The annual inspections are a part of our disease surveillance system. The data collected also helps us develop emergency response plans for natural disasters or disease outbreaks. Here's a link to some additional information on our website. <http://www.mass.gov/agr/animalhealth/inspectors/index.htm> \_\_The animal inspectors for Cambridge also serve as the City's Animal Control Officers. \_\_There really aren't significant public health risks associated with small-scale egg production or back yard birds, as long as there is an adequate manure management plan in place and the birds are contained to the owner's property. One recommendation I would make for both bird owners and the city to avoid neighbor complaints or disputes - do not allow roosters in such a densely populated community. We receive rooster complaints from a number of communities where the neighbors are disbursed more widely. They are not necessary for most peoples' purposes, and they just aren't worth the inevitable fight. \_\_I had hoped to be ahead of the curve on this as we receive a growing number of inquiries like yours, but my poultry staff are still in the process of developing a guidance document for back yard birds in suburban and urban environments. More and more, these efforts are focused on ensuring bird owners are being good neighbors since agriculture is beginning to spread in to new areas, or back into areas that haven't seen it for decades (or longer). Should the need arise, I expect the Department would be able to comment on the public health concerns as we've worked with Boards of Health in other communities to ensure an honest approach and reasonable measures to address issues. \_\_Feel free to contact me should you have additional questions. \_\_-Mike \_\_Michael Cahill \_Director \_Division of Animal Health \_MA Dept. Of Agricultural Resources \_(617) 626-1794

2. Question and Answer About Avian Influenza (Bird Flu) and Avian Influenza A (H5N1) Virus  
<http://www.cdc.gov/flu/avian/gen-info/qa.htm2>.



CITY OF CAMBRIDGE

N<sup>o</sup> 6124

INSPECTORIAL SERVICES DEPARTMENT  
831 MASSACHUSETTS AVENUE, CAMBRIDGE, MASSACHUSETTS 02139  
PHONE (617) 349-6100 FAX (617) 349-6102 TDD/TTY (617) 349-6112

Ranjit Singanayagam  
Commissioner

HOUSING INSPECTION REPORT AND ORDER

ADDRESS OF PREMISES: 218-220 PUTNAM AVE  
Number Street Apartment Number

OCCUPANT: Last Name First Middle I TELEPHONE:

OWNER: WENZEL BAYARD TELEPHONE:  
Last Name First Middle I

OWNER'S ADDRESS: 270 PUTNAM AVE CAMBRIDGE, MA 02139  
Number Street City

INSPECTION REQUESTED BY: # 2080 COMP DATE: 2-3-10

DATE OF INSPECTION: MO. 2 DAY 3 YEAR 10 HOUR

NOTE: Any party affected by this order has a right to a hearing by the Inspectorial Services Department in accordance with Section 410.650 of the State Sanitary Code. You have the right to inspect all available information and to be present or be represented at a hearing. A hearing must be requested within 7 days of this order.

ROOM(S) / VIOLATIONS OF STATE SANITARY CODE REGULATION 105 CMR 410.

NO RODENT ACTIVITY NOTICED  
AT THIS TIME, 2-2-10 @ 1:00pm  
ON PROPERTY 218-220 PUTNAM AVE

Referral to Other Agencies DATE

One or more of the violations cited above is a condition which may materially impair the health, safety or well-being of the occupant(s) as determined by Regulation 410.750 of the State Sanitary Code or the Authorized Inspector.

(INITIAL)

This is hereby ordered to remedy the above cited violation within days or food prosecution by the City of Cambridge. These violations may permit the occupant to exercise one or more sanitary remedies.

RECEIPT OF THIS INSPECTION REPORT IS NOTICE AS REQUIRED BY MASSACHUSETTS GENERAL LAWS CHAPTER 230 SECTION 84.

SIGNED UNDER PAINS AND PENALTIES OF PERJURY. Signature of Occupant  
INSPECTOR: APPROXIMATE DATE & TIME OF REINSPECTION

CERTIFIED TRUE COPY  
THIS DAY DELIVERED A TRUE COPY IN HAND TO ON TIME  
CONSTABLE OF CITY OF CAMBRIDGE

This is an important legal document. It may affect your rights. You should have it translated.  
Who to File Who to Owner Pink to Inspector Gold to Tenant IS Form 05

# Rat Concerns

On February 2<sup>nd</sup>, we invited Cambridge Inspectional Services to our property to perform a rodent inspection, looking for burrows, droppings, and other signs of rodent infestation. In the inspector's report (next page) it is noted that no rodent activity was noticed on our property.

# Rat Prevention Protocols

- Chicken-wire runs around the perimeter of the coop and run, which are completely enclosed.
- The bird feeder is suspended from a string so that it is inaccessible to rats.
- The bird feeder comes in at night; no food or water is ever left out overnight.

# Responses to Other Concerns

- **New composting strategies**
  - Moved from beside bike shed to against back of our house
  - Improved moisture control by adding drainage to container
  - Added coffee grounds to improve Carbon to Nitrogen ratio
  - Distributing more frequently to local gardeners (want some?)
- **New pool strategy**
  - Removed for winter
  - Will be drained or covered at night
  - Will be kept further from property lines
- **Hydrated lime underneath straw in run**
  - Raises pH, inhibiting bacterial growth responsible for odors (like deodorant)
- **"Yard waste" not related to birds at all**
  - Logs being used to grow gourmet mushrooms
  - Empty bins from container garden
  - A pile of sticks that was removed early last summer
- **Wooden fence will be installed**
  - When the ground has thawed, we will install a privacy fence at our expense
  - Neighbors offended by the sight of the coop and birds will no longer have to look at them
- **Ongoing communication efforts**
  - Requested Mediation through Community Dispute Settlement Center, Inc. on January 8
  - Currently speaking with Riverside Neighborhood Association to organize a neighborhood meeting
  - Created email address, [cambridgebirds@gmail.com](mailto:cambridgebirds@gmail.com) that goes to all bird care takers

We, the neighbors of 218/220 Putnam Avenue have neither been inconvenienced nor negatively affected by the residents' use of their backyard, specifically the keeping of pet ducks and chickens.

Name	Address	Comments	Signature
Phyllis Skelton	214 Putnam Ave Cambridge	Pets are great I didnt even hear them	Phyllis Skelton
Jeff Barnard	330 Western Ave Cambridge MA	Love the sound.	Jeff Barnard
Mark Gilson	330 Western Ave Cambridge Ma		Mark Gilson
Suebe Romanadhan	161 Putnam Ave #4 Cambridge MA 02139		Suebe Romanadhan
John Zinky	234 Putnam Ave	Did not know They existed	John Zinky
Carla Nolin	213 Putnam Ave #2	Liked 2nd in favor of this type of pet	Carla Nolin
Betsy Harsbarger	209 Putnam Ave	What is the problem?	Betsy Harsbarger
Wiltrud Potter	209 Putnam Ave,		Wiltrud Potter
Victoria Kent	211 Putnam Ave. Cambridge 02139	It's fun. Why not?	Victoria Kent
John Turell	205 Putnam Cambridge		John Turell
Louis Mayhew	207 Putnam Cambridge, MA		Louis Mayhew

We, the neighbors of 218/220 Putnam Avenue have neither been inconvenienced nor negatively affected by the residents' use of their backyard, specifically the keeping of pet ducks and chickens.

Name	Address	Comments	Signature
TED COMSTOCK	215B PUTNAM	OK WITH ME	Ted Comstock
R. Belfast	322 Western Ave	OK with me	R. B
Jasmin Kahn	336 Western Ave	Didn't even know ducks or chickens were present	J. Kahn
M.R. Sward	221 Putnam Ave	OK with me	M.R. Sward
Chalwick Coilm S	225 Putnam Ave	OK with me	Chalwick
Angela Chinn	229 Putnam Ave	OK with me	Angela Chinn
Irene Hartford	207 Putnam Ave.	Great - Sign with me	Irene Hartford

We, the neighbors of 218/220 Putnam Avenue have neither been inconvenienced nor negatively affected by the residents' use of their backyard, specifically the keeping of pet ducks and chickens.

Name	Address	Comments	Signature
Nita Sembrowich	203 Putnam Ave. # 3		NITA SEMBROWICH Nita Sembrowich
Robert Schelling	201 Putnam Ave		[Signature]
GIOVANI HOYOS CORRALES	211 Putnam Avenue #2 02139	Go Chickens	[Signature]
MICHAEL HIGGINS	215 PUTNAM AVE		[Signature]
Katherine Hartford	207 Putnam Ave		[Signature]



# CAMBRIDGE CITY COUNCIL

Henrietta Davis  
City Councillor

December 22, 2009

Board of Zoning Appeals  
831 Massachusetts Ave.

RE: Citation #6053, Chickens at 218/220 Putnam Ave.

I support Bayard Wenzel, Allison Fastman and the other residents of 218/220 Putnam Avenue who are keeping ducks and chickens in a responsible manner.

I support Cambridge residents' participation in backyard hen-keeping (ducks and chickens). I recently introduced an order to the City Council, which was adopted, requesting a report on what barriers would prevent residents from raising chickens and what could be done to remove these barriers. Under the proper conditions, responsible hen-keeping can be incorporated into an urban environment and can also offer residents an opportunity to raise some of their food.

Sincerely,

A handwritten signature in black ink, appearing to read "Henrietta Davis", written over a faint circular stamp.

Henrietta Davis  
City Councillor  
City of Cambridge