OFFICE OF INSPECTIONS
9 School St. - Amesbury, MA 01913
Tel. 978.388.8129 / Fax 978.388.7874
www.amesburyma.gov

PERMIT APPLICATION FOR A CHICKEN COOP

$50.00

(If the chicken coop exceeds 120 sq. ft. an ADDITIONAL building permit is required at an ADDITIONAL cost of $50.00)

Permit #:	
Building Official Decision: ☐ **yes** ☐ **no**	
If denied, list reason:	
Building Official Signature:	**Date:**

SITE INFORMATION

1. Property Owner: _____
2. Property Address: _____
3. Owner Email Address: _____ Owner Tel. #: _____
4. You must list the following setback information. Setbacks are the amount of feet from your property line to your structure:

   Side Yard Setback: _____ ft. Rear Yard Setback: _____ft. Lot Size: _____ ft.
5. List the dimension AND square footage of the chicken coop construction:

   _____ dimension = _____ sq. ft.
6. List how many chickens you will have: _____
7. List the cost of the construction: _____

Please list in detail how the chicken coop will be constructed. Drawings should also accompany this application:

_____

_____

_____

_____

Owner Signature: _____ Date: _____

CITY OF AMESBURY
IN THE YEAR TWO THOUSAND FOURTEEN

SPONSORED BY: COUNCILOR JAMES KELCOURSE BILL No. 2014-107
PRESIDENT JOSEPH MCMILLEON
COUNCILOR JONATHAN SHERWOOD
COUNCILOR ANNE FERGUSON

At the meeting of the Amesbury City Council held on January 13, 2015, in the City Hall Auditorium the following action was taken:

An Ordinance: ***Requesting the Municipal Council vote to amend the provisions of the Amesbury Zoning Bylaws to allow for the limited use of maintaining chickens as pets and for egg production in residential areas.***

Summary: The purpose of this ordinance is to balance the desire of residents to own backyard chickens while protecting abutting neighbors from noise, odor, damage or threats to health and public safety.

Be it Ordained by the Municipal Council of the City of Amesbury assembled, and by the authority of the same name as follows: To amend the Amesbury Zoning Bylaw by adding after Section VI, subsection E, the following:

Chicken Coops: The use of chickens as pets and for egg production shall be allowed by right in all residential areas with lot sizes greater than 10,750 square feet, for non-commercial usage subject to the following provisions:

1. No roosters or crowing chickens shall be allowed.
2. The keeping of chickens for meat production and on-site slaughtering shall not be allowed.
3. Chickens shall be kept within a coop or an enclosure at all times, unless otherwise supervised.
4. Coops and enclosures must be located a minimum of twenty (20) feet from any habitable building, or habitable portion of a building, forty (40) feet from any habitable building on an adjoining lot, forty (40) feet from any potable well heads or open bodies of water, and ten (10) feet from property lines.
5. Coops and enclosures must conform to all regulations pertaining to accessory buildings. Coops and enclosures shall be constructed and maintained in a safe and sanitary condition. The coop and enclosure for chickens therein shall not disturb neighboring residents due to noise, odor, damage or threats to public health.
6. The number of chickens kept in residential zones shall be limited to no more than six (6) animals. For parcels exceeding 1 acre, residents may apply to the Zoning Board of Appeals for a special permit.

7. Feed shall be stored indoors in secured containers to prevent the intrusion of rodents and non-household animals.
8. Refuse from the chickens (inclusive of feces, bedding materials and associated debris) shall be properly disposed of or composted on a weekly basis. The use of chicken feces as a fertilizing material is allowed for the resident's own use, but is otherwise not allowed to be stored or accumulated on the property. The use of chicken manure as a fertilizer shall be discontinued if noxious odors are reported and substantiated by the Board of Health.

Motion by: Councilor Lavoie and Seconded by: Councilor Sherwood as follows:

BILL No. 2014-107 A Bill to amend the provisions of the Amesbury Zoning Bylaws to allow for the limited use of maintaining chickens as pets and for egg production in residential areas

The purpose of this ordinance (BILL No. 2014-107) is to balance the desire of residents to own backyard chickens while protecting abutting neighbors from noise, odor, damage or threats to health and public safety.

I hereby move to amend the existing motion by replacing in its entirety the text submitted in the original motion made on December 9, 2014 the following text:

***An Act to allow for the limited use of maintaining chickens as pets and for egg production in residential areas* (hereinafter referred to as this "Act").**

1. In residential districts, or with respect to dwellings in non-residential districts, no more than six (6) chickens are allowed (the "Poultry Use"), unless the Permit Granting Authority (defined below) makes a specific finding that the site conditions on the affected property will accommodate a larger amount of chickens; but under the provisions of this Act in no event shall more than 10 chickens be allowed on any lot. This Poultry Use shall only be allowed as an accessory use to a main use consisting of a residential dwelling use of a property. This Poultry Use shall be allowed in all districts provided it is accessory to such residential dwelling use, except that in the case of any multi-family residential use involving more than four units, Poultry Use shall not be allowed on any such property.

2. No roosters or crowing chickens (collectively "Roosters") shall be allowed as a Poultry Use under this Act. In accordance with other applicable provisions of the Table of Uses for Agricultural Uses, permits issued by the Planning Board for properties in the R80 and RC zones shall apply to roosters or crowing chickens.

3. Under this Act, meat production and on-site slaughtering not allowed in connection with any Poultry Use.

4. In order to engage in a Poultry Use under this Act, all relevant yard area of a property shall be fenced with a traditional wood or plastic solid fence (no chicken wire) as screening and buffering to neighboring properties. For persons raising chickens still capable of flight, all such chickens shall be in a totally enclosed area (meaning all sides and the top of the coop) so that chickens cannot escape their Owner's land areas.

5. Any beneficial relief under the Existing Zoning Bylaw for accessory buildings within applicable side yard setbacks shall not apply to structures relating to the housing or raising chickens. Poultry Use shall only be allowed in rear yards. Coops and other poultry structures (excluding fencing) shall be

located in compliance with the normally prevailing side yard and rear yard setbacks required in the Table of Dimensional Requirements in Section VI

6. A reasonably-sized chicken coop ("Coop") shall always be provided for any Poultry Use. No structures used to house chickens in Poultry Use under this Act shall be any closer than 50 feet from any residential and dwelling house located on an adjacent property.

7. The Massachusetts DEP river-front 200 foot setback from "rivers" shall be maintained. No chicken production shall be allowed within the200 foot Riverfront area. For purposes of this bylaw 200 foot setback shall also apply to ponds, great ponds and lakes including without limitation Lake Attitash and Lake Gardner.

8. Provisions of Mass. Gen. Laws and all other state and local regulations and ordinances shall be followed, including without limitation the regulation of odors, noise, and existing prohibitions of live-stock being allowed off the owner's property. In the case of odors, and animal health laws including those contained within Massachusetts General Laws Chapter 129, as administered by the Amesbury Health Department shall continue to apply. In the case of noise, applicable provisions of the Massachusetts State building code shall continue to apply. Except for the Zoning compliance needed to administer this Act, the provisions of all animal related statutes and regulations shall continue to be administered by the Amesbury Animal Control Officer. In all events, officials of the Amesbury Health Department, Building Department, and Animal Control Office shall have jurisdiction to enter on to applicable properties and conduct reasonable inspections in order to administer this Act; any party applying for a Poultry Use Permit Application as described herein will be deemed to consent to such jurisdiction to enter and inspect areas being used for Poultry Use.

9. Violation of this Act shall be subject to the applicable fine structure already existing in the Code of Amesbury Ordinances relating to other animals, such as pertains to dogs off leash, barking dogs, etc.

10. Permits for Poultry Use

(a) In all Poultry Use regulated under this Act, a Permit under this Act shall be required.

(b) On Lots having less than 20,000 ft.^{2}, Poultry Use shall only be allowed if a Poultry Use Special Permit is issued by the Zoning Board of Appeals; however, until administratively changed in the future by the Building Commissioner, the filing fee to the ZBA shall be $75 for application for a Poultry Use Special Permit.

(c) For lot 20,000 ft.^{2} and larger, the Building Commissioner as an administrative action shall have the authority to issue a Poultry Use Permit upon the payment of $75, and his/her written determination that the Application satisfies the requirements of this Act.

11. All Poultry Use Permit applications (either to the ZBA or to the Building Commissioner) shall require the submission of a site plan (which may be hand-drawn or sketched by hand on existing plans such as mortgage plot plans and there shall be no requirement for engineered or professionally prepared site drawings). Under no circumstances shall Site Plan Review by the Planning Board be required for Poultry Use under this Act.

12. No Poultry Use under this Act may be exercised without the application for, and issuance of, a Building Permit under the Massachusetts State Building Code for the Coop required in Section 6, including payment of any applicable building permit fees.

13. Transition rules:

(a) Any chicken raising uses now in existence that do not already comply with the agricultural main uses under the Zoning Bylaw shall have six months to come into compliance with the provisions of this Act. After six months from the effective date of this Act, the Zoning Enforcement Officer need not continue any forbearance from enforcing applicable zoning provisions regulating to Poultry Use under this Act.

(b) With respect to any Roosters currently being kept in the Amesbury, owners possessing such animals shall have a maximum of 60 days from effective date of this Act to remove any Roosters not otherwise allowed and permitted under the agricultural main uses under the Zoning Bylaw.

(c) For homeowners who can demonstrate by clear and convincing proof satisfactory to the Building Commissioner that they have had 10 years of poultry raising as a nonconforming use, no new Permit for Poultry Use under this Act shall be required, but to maintain such nonconforming use such owners must apply for and receive a building permit for a Coop and provide the required sketch plan to the Building Commissioner.

14. The Planning Staff is hereby authorized and shall make all necessary written adjustments to the Zoning Bylaw to incorporate the provisions of this Act in the table of uses and in all such other appropriate locations in the zoning bylaw.

Voted 7-Yes, 2-No, Councilor Bartley, Councilor McClure

Councilor Bartley moved to amend the amendment and Councilor Sickorez seconded as follows:

Paragraph 6: A reasonably-sized chicken coop ("Coop") shall always be provided for any Poultry Use. No structures used to house chickens in Poultry Use under this Act shall be any closer than **100 feet** from any residential and dwelling house located on an adjacent property;

And Paragraph 10(b) & 10(c):
(b) On Lots having less than **40,000 ft.**^{2}, Poultry Use shall only be allowed if a Poultry Use Special Permit is issued by the Zoning Board of Appeals; however, until administratively changed in the future by the Building Commissioner, the filing fee to the ZBA shall be $75 for application for a Poultry Use Special Permit.

(c) For lot **40,000** ft.^{2} and larger, the Building Commissioner as an administrative action shall have the authority to issue a Poultry Use Permit upon the payment of $75, and his/her written determination that the Application satisfies the requirements of this Act.

Roll Call vote 7-Yes, 2 No, Councilor Sherwood, Councilor Ferguson

Councilor Sherwood moved to accept 2014-107 as amended this evening by Councilor Lavoie and the supplemental amendment by Councilor Bartley. Councilor Ferguson seconded. Roll Call Vote 8-Yes, 1-No, Councilor McClure

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