



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, October 10, 2023

3:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Ordinance Committee will hold a public hearing on Tuesday, October 10, 2023 from 3:00p.m.

The Ordinance Committee will hold a public hearing on Tuesday, October 10, 2023 from 3:00p.m. – 5:00p.m., on a Zoning Petition by the Cambridge City Council to amend the Zoning Ordinance of the City of Cambridge by amending Articles 2.000, 4.000, 5.000, and 23.000 of the Cambridge Zoning Ordinance for the purpose of allowing hen keeping as a permitted accessory use to principal residential (excluding transient accommodations as defined in Section 4.31.i), religious, and educational uses; with limitations and subject to regulation and permitting by the Cambridge Public Health Department.

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:06 PM
Alanna Mallon	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council's Ordinance Committee was held on Tuesday, October 10, 2023. The meeting was Called to Order at 3:00 p.m. by the Chair, Councillor Zondervan. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

At the request of the Chair, City Clerk LeBlanc called the roll.

Councillor Azeem – Present/Remote

Councillor Carlone – Absent*

Vice Mayor Mallon – Absent

Councillor McGovern – Present/In Sullivan Chamber

Councillor Nolan – Present/In Sullivan Chamber

Councillor Simmons – Absent

Councillor Toner – Absent

Councillor Zondervan – Present/In Sullivan Chamber

Mayor Siddiqui – Present/In Sullivan Chamber

Present – 5, Absent – 4. Quorum established.

*Councillor Carlone was marked present and remote at 3:06p.m.

The Chair, Councillor Zondervan offered opening remarks and noted that the call of the meeting was to discuss a Zoning Petition by the Cambridge City Council to amend the Zoning Ordinance of the City of Cambridge by amending Articles 2.000, 4.000, 5.000, and 23.000 of the Cambridge Zoning Ordinance for the purpose of allowing hen keeping as a permitted accessory use to principal residential (excluding transient accommodations as defined in Section 4.31.i), religious, and educational uses; within limitations and subject to regulation and permitting by the Cambridge Public Health Department. Also present at the meeting was Megan Bayer, Acting City Solicitor, Jeffrey Roberts, Director of Zoning and Development for the Community Development Department (CDD), Sam Lipson, Senior Director of Environmental Health, and Paul Schult, Public Health Compliance Specialist, both from the Cambridge Public Health Department. Joining the meeting via Zoom was Derrick Neal, Chief Public Health Officer, Cambridge Public Health Department, Christina Correia, Director of the Cambridge Animal Commission, and Peter McLaughlin, Commissioner of Inspectional Services Department.

The Chair, Councillor Zondervan opened Public Comment.

Susan Filene, 117 Chilton Street, Cambridge, MA, chicken owner, offered comments relative to the concerns that have been raised about hen keeping and shared they were in favor of allowing hen keeping in Cambridge.

Laura Stenzel, 115 Chilton Street, Cambridge, MA, offered comments that were in support of the hen keeping Ordinance.

Jacquelyn Fahey Sandell, 8 Clinton Street, Cambridge, MA, shared concerns about rodents, smell, and noise that arise with hen keeping and was not in favor of the setback requirements within the Ordinance.

Abigail Lytton-Jean, 6 Frost Street, Cambridge, MA, spoke in strong support of the Ordinance legalizing hen keeping and addressed the concerns that have been raised about rodents.

Amer Koudsi, 115 Chilton Street, Cambridge, MA, spoke in support of the Ordinance and addressed the concerns that have been raised about rodents.

The Chair, Councillor Zondervan recognized Jeffrey Roberts who reviewed the language in the City Council Zoning Petition and zoning regulations relative to hen keeping. The City Council Zoning Petition was provided in advance of the meeting and included in the Agenda Packet. Jeffrey Roberts shared that he agrees with the suggestions that have been made by City Councillors and staff regarding having the chicken coops be above ground level and noted that it is currently not a requirement in the zoning. Jeffrey Roberts shared that there will be a Planning Board hearing on October 24, 2023 and the Planning Board will report back to the Council with their recommendations.

The Chair, Councillor Zondervan recognized Sam Lipson who was available to provide a more detailed response on why chicken coops should be elevated. He shared that the Cambridge Public Health Department agrees with the suggestion of having them elevated. The Chair responded and shared concerns about having elevated chicken coops being a requirement, noting

that it will not prevent rodents from entering the coops. Paul Schult provided additional information on rodents and what motivates them, noting that with an elevated coop, it would make it harder for them to be motivated to enter the coop.

The Chair, Councillor Zondervan recognized Councillor McGovern, Mayor Siddiqui, and Councillor Nolan who offered comments that were in support of the City Council Zoning Petition.

The Chair, Councillor Zondervan suggested adding the appropriate language into the Zoning Petition regarding the requirements for chicken coop elevation. The Chair shared that he would be in favor of moving the Zoning Petition out of Committee and receive any adjustments to the language before it is ordained in the full City Council.

The Chair, Councillor Zondervan recognized members of the public in the Sullivan Chamber who offered comments and concerns on the elevation requirements.

The Chair, Councillor Zondervan recognized Councillor McGovern who made a motion to forward the Zoning Ordinance Petition relative to hen keeping to the full City Council with a favorable recommendation to pass to a second reading. (Attached)

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Absent

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – Absent

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 6, No – 0, Absent – 3. Motion passed.

The Chair, Councillor Zondervan recognized Councillor Nolan who made a motion to close public comment and adjourn the hearing.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Absent

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – Absent

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 6, No – 0, Absent – 3. The meeting was adjourned at approximately 3:40p.m.

Attachments:

Attachment A – City Council Zoning Petition relative to hen keeping.

Clerk's Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/587?view_id=1&redirect=true&h=214152c8f050ae03a0decec89ff1d6e7

A communication was received from Diane LeBlanc, City Clerk, transmitting a City Council Zoning Petition relative to hen keeping.

RECOMMENDED ZONING PETITION

To amend Articles 2.000, 4.000, 5.000, and 23.000 of the Cambridge Zoning Ordinance as follows for the purpose of allowing henkeeping, with limitations and subject to regulation and permitting by the Cambridge Public Health Department, as a permitted accessory use to principal residential (excluding transient accommodations as defined in Section 4.31.i), religious, and educational uses.

Amendments to Article 2.000 – Definitions

Add the following definitions:

Apiary. A location or structure on a lot containing one or more beehives and associated beekeeping equipment.

Bee. Any life stage of the common domestic honey bee, *Apis mellifera*.

Bee Colony. An aggregate of worker bees, drones, a single queen, and brood living together as one social unit.

Beekeeping. The housing of one or more bee colonies on a lot for the purpose of collecting products including honey, beeswax, propolis, pollen, and royal jelly, and/or to support the ecological benefits of pollination.

Beehive. A structure intended for the housing of one Bee Colony.

Chicken. Any breed of the domestic species *Gallus gallus domesticus*.

Hen. A domestic female chicken.

Hen Run or Pen. A structure for the containment of hens that is enclosed on all sides and top by a wire mesh but is otherwise open to the air, to allow access to the outdoors while preventing contact with pests, predators, and other bird species.

Henkeeping. The housing of female chickens (i.e., hens) on a lot.

Henhouse or Coop. An enclosed, weather-protected structure for the shelter of hens and their nests.

Rooster. A domestic male chicken.

Amendments to Article 4.000 – Use Regulations

Add the following paragraph “p.” to Section 4.21, Accessory Uses:

- p. Henkeeping, conducted in conformance with the Standards for Urban Agriculture set forth in Article 23.000 of this Zoning Ordinance and all other applicable laws, rules, and regulations, shall be considered an allowed accessory use when conducted on the lot of and in conjunction with one of the following principal uses: residential (Section 4.31 a.-h.,

excluding transient accommodations), any religious use (Section 4.33 a.), and any educational use (Section 4.33 b.).

Amendments to Article 5.000 – Dimensional Standards

Amend Section 5.22.1 to read as follows:

5.22.1 Private Open Space. Private Open Space shall be open and unobstructed to the sky, except that up to fifty (50) percent of the total Private Open Space may be Shaded Area. Trees, plantings, arbors, fences, flagpoles, sculpture, fountains and recreational and drying apparatus and similar objects shall not be considered obstructions when located within a private open space. Objects or structures intended exclusively for bicycle parking, designed and located in accordance with Section 6.100, which may be uncovered, partially covered or fully enclosed, shall not be considered obstructions provided that such objects or structures are not used for motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21. Beehives and, apiaries, henhouses, and hen runs conforming to the Standards for Urban Agriculture in Article 23.000 of this Zoning Ordinance shall not be considered obstructions. Structures or features that are necessary for a building to comply with the Flood Resilience Standards in Section 22.80, such as stairs, ramps, or window wells, shall not be considered obstructions. To the extent permitted in this Ordinance, balconies and roof areas may also be considered as Private Open Space.

Amend Section 5.24.1 to read as follows:

5.24.1 Every part of a required yard shall be open to the sky and unobstructed, except that the following features may be located within a required yard:

- (a) Awnings, arbors, fences, flagpoles, recreational, and laundry drying equipment and similar objects;
- (b) Objects or structures intended exclusively for bicycle parking meeting the requirements of Article 6.000, which may be uncovered, partially covered or fully enclosed, provided that such objects or structures are not used for motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21;
- (c) Beehives, apiaries, henhouses, and hen runs conforming to the Standards for Urban Agriculture in Article 23.000 of this Zoning Ordinance shall not be considered obstructions;
- (d) Objects or equipment located in a required yard that are necessary for or appurtenant to a Public Bicycle-Sharing Station;
- (e) Open or lattice-enclosed fire escapes for emergency use only;
- (f) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (3½') feet and which are part of a building not more than thirty-five (35') feet in height;

- (g) Shade Canopies as defined in this Zoning Ordinance, provided that any Shade Canopy exceeding seven feet (7') in height shall be set back at least five feet (5') from a side or rear lot line in a residential district; and
- (h) Exterior steps, ramps, elevated walkways, porches, window wells, flood barriers, and other elevated features that provide protection or resilience from flooding on the lot, provided such features do not project more than twelve (12') feet beyond the line of the foundation wall of a building, are open to the air and are either unroofed or covered only by a Shade Canopy, and are not elevated higher than four (4') feet above Grade or the 1%-Probability Long Term Flood Elevation as determined by the Flood Resilience Standards in Section 22.80 of this Zoning Ordinance, whichever is higher

Amendments to Article 23.000 – Standards for Urban Agriculture

Delete Section 23.20 (Urban Agriculture Definitions)!

Create New Section 23.50 – Standards for Henkeeping

23.51 General Standards for Henkeeping.

- a. Henkeeping is allowed as an accessory use pursuant to Article 4.000 of this Zoning Ordinance, according to the standards herein.
- b. A permit must be obtained from the Cambridge Public Health Department for all keeping of hens, and permit-holders must be in compliance with all local public health regulations and state public health laws in order to keep hens.
- c. Only female chickens (i.e., hens) may be kept. No male chickens (i.e., roosters) are allowed.
- d. Care and disposal of hens must be in accordance with all local public health regulations and state public health laws.

23.52 Number of Hens. No more than six (6) hens may be housed on a lot unless a permit issued by the Cambridge Public Health Department explicitly authorizes a greater number, but in no case shall more than twelve (12) hens be permitted.

23.53 Enclosures.

- a. Hens must be kept within an enclosure consisting of a henhouse and a hen run.
- b. All hen enclosures shall be located at least five (5) feet from a property line, or may be closer to the property line if there is a solid wall, fence, or similar opaque barrier visually screening the enclosure from an abutting property.
- c. A hen enclosure shall not be located in a front yard.
- d. Freestanding henhouses shall not be more than eight (8) feet in height and shall cover no more than fifty (50) square feet of lot area.

- e. Freestanding henhouses shall be designed, constructed, and managed so as to prevent and deter access to rodents and other vermin.
- f. A hen enclosure shall be built in conformance with all applicable building, health, and safety laws, rules, and regulations.