

A citizen group in Amherst, MA is working to change the zoning laws around backyard poultry. Currently, hens can be kept in the R-O (Residential Outlying) and R-LD (Residential Low Density) districts and by permit in the R-N (Residential Neighborhood) and R-VC (Residential Village Center) districts. Citizens in the R-G (Residential General) district cannot keep poultry.

Here is an account from John M. Gerber who is part of a group of residents working to make zoning laws less restrictive in hopes of encourage more citizens to keep backyard poultry. John lives in the R-N and wants to extend the rights he has to keeping hens to the residents of the R-G.

I've been working with a group of neighbors in to try to convince our Planning Board and then Town Meeting to change the zoning regulations to make a few backyard hens legal. Before speaking publicly to town hall however, I applied for a Special Permit and went through the process of getting a Special Permit so that my own birds were legal.

The "educational experience" of getting a permit cost me \$210, and took several months. Most of my friends who raise hens, just don't tell anyone – as they feel the regulatory process is simply too burdensome. I fully understand this viewpoint, but I wanted to "get legal" myself so that I could try to change the regulations.

Once I had my own Special Permit (dutifully filed with the County Registry of Deeds), I began attending Planning Board meetings to ask for their help to change the law. We got great press coverage, unanimous support from the town Agricultural Commission, and a statement from the local Board of Health agreeing that backyard hens did not represent a public health problem. We were feeling pretty good!

Next, a group of about a dozen residents (with experience raising chickens) developed the basic concept for an amendment to the Town Zoning Bylaw and the Town General Bylaw, which would make it easier to raise backyard hens. We met with the Planning Director on several occasions and got his help putting our ideas into the correct legal language. The proposals were then submitted to the Planning Board along with a couple hundred e-signatures, asking for their support of our Citizens Petition that would eventually be voted on by annual Town Meeting.

In spite of widespread public support as well as the encouragement of the Health Department, the Agricultural Commission, the Health Director, and the Animal Welfare

Officer, the Planning Board Zoning Subcommittee remained unconvinced! They insisted that some residents were worried about smells, noises, and rodents. The Planning Board filed a revised version of our Town Meeting article, which would require abutter notification by certified mail and a public administrative hearing to ensure that our hens were not a hazard to public health and safety.

So a group of us showed up at the next Planning Board meeting and with the support of the town Agricultural Commission and lots of citizen support, we convinced the Planning Board to change their somewhat “draconian” recommendation. Our compromise was to “license” our henhouses (much like a dog license) but to modify the process of neighbor notification to make it much simpler and more about education than regulation. We are making progress!

When a small group of hen owners began this process, we thought it would be obvious to any thinking individual that raising a few hens was not a public health threat, nor a nuisance. We were wrong. There were lots of good questions raised by members of the Planning Board and the general public, along with a few that were a bit over the edge. So right now we are gearing up for a good old fashioned public debate on the floor of a New England Town Meeting! We are trying to understand the concerns and fears of those who might oppose the change in bylaw and answer all rational questions from our neighbors. I'll let you know how it goes sometime in May.

Although we are not yet finished with this process, I've got some suggestions for those of you who are considering trying to change your local regulations based on my experience so far.

Find friends to help. Unless you are unemployed, you will need to attend lots of meetings. Having others help you cover these meetings will help (I've been criticized by town board members for not being able to show up at some meetings when I had to work).

Study the issue and learn from others. Follow the blogs, Facebook groups, and listserves for advice from others who are going through the same process. You will feel less lonely, when things aren't going well.

Be patient and try not to get angry (I'm not particularly good at this). When you have people who have no experience and are getting their information from the internet making decisions on what you can and can't do in your backyard, it is difficult to be patient. Anger won't help – no matter what!

Be persistent. Its a bit of a game. But if you continue to show up for public meetings and continue to share your message respectfully, the “crazy ideas” you propose at first will slowly become common sense.

Volunteer for a town committee or board yourself. It is really easy to criticize others (who are generally volunteers) when they disagree with your particular concern. Sitting on the other side of the table gives you perspective, experience and respect for those volunteers, most of whom are doing a great job.

Finally, if you are not successful with a frontal assault (like a zoning change proposal), it might help to try to change the culture of the community. Bring speakers to town to talk about bigger issues like sustainability, the “homegrown revolution,” self-sufficiency, the Transition Towns movement, Food Sovereignty, etc. Asking for a change in zoning to allow backyard hens makes more sense in the context of this larger discussion. I'll let you know if it works!

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