



CITY OF CAMBRIDGE

BOARD OF ZONING APPEAL

831 Massachusetts Avenue, Cambridge MA 02139

617-349-6100

2023 AUG -3 PM 2: 05
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

BZA Application Form

BZA Number: 235827

General Information

The undersigned hereby petitions the Board of Zoning Appeal for the following:

Special Permit: _____ Variance: X Appeal: X

PETITIONER: Robert Filene and Susan Filene, MD C/O Sarah Like Rhatigan, Esq., Trilogy Law LLC

PETITIONER'S ADDRESS: 12 Marshall Street, Boston, MA 02108

LOCATION OF PROPERTY: 117 Chilton St., Cambridge, MA

TYPE OF OCCUPANCY: Two-family residence

ZONING DISTRICT: Residential B Zone

REASON FOR PETITION:

DESCRIPTION OF PETITIONER'S PROPOSAL:

Allow petitioners to keep hens on their residential property.

Zoning violation letter ordering owners to cease and desist from keeping chickens on the property.

SECTIONS OF ZONING ORDINANCE CITED:

Article: 4.000	Section: 4.30 (Table of Uses).
Article: 4.000	Section: 4.13 (Use Regulations).
Article: 10.000	Section: 10.20 (Appeal).
Article: 10.000	Section: 10.30 (Variance).

Original
Signature(s):

(Petitioner (s) / Owner)

Sarah Like Rhatigan, Esq., on behalf of the Petitioners

(Print Name)

Address:

Trilogy Law LLC, 12 Marshall Street, Boston, MA 02108

Tel. No.

617-543-7009

E-Mail Address:

sarah@trilogylaw.com

Date: August 2, 2023

BZA APPLICATION FORM - OWNERSHIP INFORMATION

CITY OF CAMBRIDGE
INSPECTIONAL SERVICES

To be completed by OWNER, signed before a notary and returned to
The Secretary of the Board of Zoning Appeals. 2023 AUG -3 P 3:07

I (We) Robert J. Filene and Susan R. Filene
(OWNER)

Address: 115-117 Chilton St., Cambridge, MA 02138

State that I (We) own the property located at 115-117 Chilton St.
Cambridge
which is the subject of this zoning application.

The record title of this property is in the name of Robert J.
FILENE AND SUSAN R. Filene

*Pursuant to a deed of duly recorded in the date 8/6/1970, Middlesex South
County Registry of Deeds at Book 11871, Page 437; or
Middlesex Registry District of Land Court, Certificate No. _____

Book _____ Page _____

Susan R. Filene
Robert J. Filene
SIGNATURE BY LAND OWNER OR
AUTHORIZED TRUSTEE, OFFICER OR AGENT*


*Written evidence of Agent's standing to represent petitioner may be requested.

Commonwealth of Massachusetts, County of Middlesex

The above-name Robert & SUSAN Filene personally appeared before me,
this 12 of July, 2023, and made oath that the above statement is true.

[Signature] Notary

My commission expires 9/14/2023 (Notary Seal).

 **JOSEPH M THEODATE**
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept. 14, 2023

• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
IN RE: [Illegible]
[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

BZA Application Form

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10.

A) A literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A literal enforcement of the ordinance would require the owners to cease keeping hens who are their beloved pets. Relocating the hens to new owners would be extremely difficult and dangerous to the hens' health. The petitioners, who have lived in Cambridge for 60 years and at 117 Chilton Street since 1970, would be compelled to sell their homes (at 117 Chilton and neighboring rental property on Alpine Street) and move to a chicken-friendly city such as Somerville. The petitioners would also be unfairly deprived of the opportunity to maintain hens under an anticipated zoning amendment to legalize hen keeping currently under consideration by the City Council.

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following reasons:

The hardship described is due to the unique circumstances where the lot is relatively narrow and flat and surrounded by neighboring lots that look out on its lush urban garden, making it visible to all. These conditions make it more likely that the petitioner's hens have come to the attention of the City Inspectional Services department.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Desirable relief may be granted without substantial detriment to the public good for the following reasons:

As evidenced by the numerous letters of support, the petitioner's hens are beloved by many in the neighborhood and do not cause substantial detriment to the public good. Should this variance be granted, the petitioners would be expected to comply with all future City of Cambridge regulations with respect to the permitting of the keeping of hens on their Property. Thus, the City will be able to ensure that the conditions are safe and do not cause a nuisance.

2) Desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

A variance to allow the petitioners to continue their raising of hens while the City considers an ordinance amendment and regulatory scheme for allowing such activities may reasonably be granted as consistent with the intent and purpose of this ordinance.

***If you have any questions as to whether you can establish all of the applicable legal requirements, you should consult with an attorney.**

BZA Application Form

DIMENSIONAL INFORMATION

Applicant: Robert Filene and Susan Filene, MD
Location: 117 Chilton St., Cambridge, MA
Phone: 617-543-7009

Present Use/Occupancy: Two-family residence
Zone: Residential B Zone
Requested Use/Occupancy: Two-family residence

		<u>Existing Conditions</u>	<u>Requested Conditions</u>	<u>Ordinance Requirements</u>	
<u>TOTAL GROSS FLOOR AREA:</u>		3,042	3,042	1,800	(max.)
<u>LOT AREA:</u>		3,600	3,600	5,000	(min.)
<u>RATIO OF GROSS FLOOR AREA TO LOT AREA: ²</u>		0.85	0.85	0.50	
<u>LOT AREA OF EACH DWELLING UNIT</u>		1,800	1,800	2,500	
<u>SIZE OF LOT:</u>	<u>WIDTH</u>	40	40	50	
	<u>DEPTH</u>	90	90	n/a	
<u>SETBACKS IN FEET:</u>	<u>FRONT</u>	14	14	15	
	<u>REAR</u>	30	30	25	
	<u>LEFT SIDE</u>	12	12	7.5/sum 20	
	<u>RIGHT SIDE</u>	5	5	7.5/sum 20	
<u>SIZE OF BUILDING:</u>	<u>HEIGHT</u>	35	35	35	
	<u>WIDTH</u>	46	46	n/a	
	<u>LENGTH</u>	23	23	n/a	
<u>RATIO OF USABLE OPEN SPACE TO LOT AREA:</u>		0.60/0.60	0.60/0.60	0.40/0.20	
<u>NO. OF DWELLING UNITS:</u>		2	2	1 (max) per min. lot area/dwelling unit)	
<u>NO. OF PARKING SPACES:</u>		1	1	0	
<u>NO. OF LOADING AREAS:</u>		0	0	0	
<u>DISTANCE TO NEAREST BLDG. ON SAME LOT</u>		n/a	n/a	H+H/6	

Describe where applicable, other occupancies on the same lot, the size of adjacent buildings on same lot, and type of construction proposed, e.g; wood frame, concrete, brick, steel, etc.:

Two movable chicken coups with wire cage runs.

1. SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).
2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.
3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.













July 23 2023

Amer Koudsi
617-510-6080
115 Chilton Street
Cambridge, MA 02138

Greetings Cambridge City Government and Administration,

I was recently dismayed to hear that our friends and neighbors at 117 Chilton St., Bob and Sue Filene, received a letter from you ordering them to remove their chickens due to "complaints". I live in the closest proximity to the chickens of any neighbor and I assure you **there are NO complaints.**

The chickens have never bothered me and there are no problems with the chickens. They have been here for years with no issues and it would be cruel of you to remove them. These are beloved pets that have been well taken care of.

Many (if not all) neighboring cities have passed ordinances allowing chickens. Must we always be falling behind Somerville in regards to innovative legislation?

I like The Filenes' chickens and want the chickens at 117 Chilton to stay. Dogs and even Blue Jays cause more disturbances than the chickens and I hope you wouldn't suggest we also remove these from our neighborhood. Don't take the chickens away. We like having them. They are not causing any problems.

Respectfully,

A handwritten signature in blue ink that reads "Amer Koudsi". The signature is written in a cursive, flowing style.

Amer Koudsi
617-510-6080
115 Chilton Street
Cambridge, MA 02138

July 23, 2023

To the City of Cambridge Government Administration and Board of Appeals,

I am writing to express my enthusiastic support for Sue and Bob Filene keeping chickens at 117 Chilton St.

As a tenant in Bob and Sue Filene's home, with our rooms directly facing the backyard, the chickens being here bring a tremendous amount of joy to our day along with being an integral part to the urban farming that my husband and I feel extremely lucky & thankful to participate in. These chickens provide numerous benefits such as fresh eggs, fertilizer, pest control, and entertainment, to a strong sense of agricultural community within the hustle and bustle of city life. The chickens are quiet & clean and Sue and Bob do a truly outstanding job of taking care of the birds and their coops every single day.

I absolutely LOVE having chickens here and they are a major perk and essential part of this gorgeous, inspirational space that Sue and Bob have lovingly created.

Thank you for your time,

Laura Stenzel
115 Chilton St, Cambridge, MA 02138
617.275.9015

From: Rick Mueller rick.ipswich@gmail.com
Subject: Filene 117 Chilton Street
Date: July 23, 2023 at 3:10 PM
To: sarah@trilogylaw.com



To the Cambridge Zoning Board
Richard Mueller
121 Chilton Street Cambridge

I would like to advocate for the Filene's and their chickens. I live next door, on the third floor right above their coop and chickens. I would notice if there was an odor or sound issue. There are none. I appreciate having the chickens next door and advocate for any regulations to promote urban farming.

Richard Mueller
121 Chilton Street
Cambridge

From: George Hutchinson hutch1326@gmail.com
Subject: Chicken coop 117 Chilton St
Date: July 23, 2023 at 4:26 PM
To: sarah@trilogylaw.com



The Filene's are some of the best neighbors I have on the street. The urban farm they take care of is well kept. The chickens are housed in a very safe and well kept environment. There are no sounds from them that are a disturbance. Please allow the chickens to stay where they are well kept, safe, and happy with the Filene's at 117 Chilton Street.

George Hutchinson
118 Chilton St. Cambridge MA 02138

From: Beverly Hutchinson bevhutch4227@gmail.com
Subject: Chicken coop 117 Chilton St
Date: July 23, 2023 at 4:35 PM
To: sarah@trilogylaw.com



I have lived across the street from the Filene's for over 50 years. They have always kept their property at 117 Chilton St. in clean and well groomed condition. Over the past 6 years, things have not changed. They have a well maintained urban garden and chickens. The chickens are uplifting and a warm addition to the neighborhood. Living in the city, you hear horns, sirens, and car alarms that go on for several minutes at a time. To hear the sounds of a happy chicken puts a smile on your face. The children and parents love to stop by and have Sue let them in the yard and see them. The Filene's keep them clean and safe. They should be allowed to keep the chickens in their yard. They do not cause any problems.
Beverly Hutchinson
118 Chilton St, Cambridge, MA 02138

ELIZABETH HOPE CUSHING, Ph.D.
LANDSCAPE HISTORIAN
56 GROZIER ROAD
CAMBRIDGE, MA 02138-3315
TEL: 617-354-2468
EMAIL: elizabethhopecushing@atombusade@gmail.com

20 July 2023

To the Cambridge City Council:

I write to support the appeal of Susan and Robert Filene to the City Council that would allow them maintain the chickens they possess as part of their urban farm at 117 Chilton Street, Cambridge, Massachusetts. Not only are the Filenes outstanding members of the community, they are thoughtful and conscientious citizens. As part of Susan Filene's mission of conscience for our community, and for the environment in general, she has spent the last years developing the concepts of urban farming for herself and her family. She has also included the larger mission of presenting those concepts to her community. This should be encouraged and supported in every way possible.

Part of that mission is providing as much as possible for their own needs, including growing food, and the maintenance of chickens. In that capacity Susan has create an attractive chicken habitat that is pristine in nature, surrounded by plants, and unobtrusive in every way. I was born and raised in the country; I have seen many active chicken habitats (including our own), but (quite literally) never have I seen such a clean, attractive, quiet, and odorless environment as the Filenes have created.

Many of the communities around us allow chicken-keeping, and I am aware that an ordinance pertaining to that was produced but not presented to the City Council as long as seven years ago. Why are you hesitating? Please support a variance for the Filenes, but also act as soon as possible to make the opportunity to keep chickens responsibly available to all Cambridge residents.

Sincerely

Elizabeth Hope Cushing



From: Judy Perlman judy.m.perlman@gmail.com
Subject: Filene's chickens
Date: July 24, 2023 at 8:05 AM
To: sarah@trilogylaw.com
Cc: Bob Filene bob@bobfilene.com, Susan Filene susanfilene@gmail.com

Dear Ms. Rhatigan --

My backyard is adjacent to the Filene's. I'm one of their closest neighbors and am writing to support their efforts to keep their chickens.

The chickens have never bothered me. I work from home, and their occasional clucking is not a problem in any way. There is no smell, my enjoyment of my yard is not affected in any way, and they are contributing by eating pests and improving the soil in which food is grown. I know that the Filenes have worked hard to minimize other animals' access to the chickens' food.

I like having chickens in this community, and I would be sorely disappointed if they were removed. Many surrounding communities have enacted legislation to support chicken-keeping and I support efforts to do so in Cambridge; while this moves through the process I think the Filenes should be allowed to keep their chickens.

Thank you for your efforts, and please don't hesitate to reach out for more information.

--

Judy Perlman
48 Alpine Street
Cambridge, MA 02138
[m] 617 308 7369
Pronouns: She/her
judy.m.perlman@gmail.com
www.judyperlmanconsulting.com
www.meettheproblemsolvers.com

From: Keld Lundgaard keld.lundgaard@gmail.com
Subject: Support for the Chickens 117 Chilton St
Date: July 24, 2023 at 11:22 PM
To: sarah@trilogylaw.com



Hi Sarah,

I heard that you are working with Sue and Bob to ensure that they don't lose their chickens.

My wife and I are the neighbors to Sue and Bob, living at 113 Chilton St for 2 years. We can see down in their backyard where they have their chickens and we would be really sad to see the chickens go as they are a delight to live next to and hear during the day. We have never been bothered by smell, noise, or other problems. We fully support their chicken husbandry.

Best regards,
Keld Lundgaard
113 Chilton St, Cambridge, MA 02138

From: Melissa Bruce melissab@fayerweather.org
Subject: Chickens at 117 Chilton St (letter of support)
Date: July 27, 2023 at 9:06 AM
To: sarah@trilogylaw.com
Cc: jsbrucework@gmail.com



Dear Sarah,

We are neighbors of Sue and Bob Filene, and have included a letter below in support of their chickens. Please let us know if there is a better format to send. Thank you!

Best,
Melissa and John Bruce

To the Cambridge Zoning Board:

We are residents at 121 Chilton Street, neighbors of Sue and Bob Filene who live at 117 Chilton Street. In the eight months we have lived here, we have never been bothered by their chickens. On multiple occasions, we have been welcome into their backyard to visit the chickens with our 18 month old daughter. The chickens are well taken care of, there is no smell, and we aren't bothered by any noise. We want the chickens to stay.

Please let us know if you have any questions, and we appreciate your consideration of this letter in support of the Filenes.

Sincerely,
Melissa and John Bruce
121 Chilton St
Cambridge, MA

From: Ariane Curtin-Bowen aecbowen@gmail.com
Subject: Robert & Sue Filene
Date: July 28, 2023 at 3:16 PM
To: sarah@trilogylaw.com



Hello,

I'm a neighbor of Bob and Sue Filene at 117 chilton st. We are the ground floor neighbors at 119 chilton st, and probably the neighbors physically closest to the chicken coop that they have in their backyard. I'm writing in support of the chickens, who (while occasionally a bit noisy while laying) are on the whole completely harmless. Bob and Sue seem like thoughtful people with a deep interest in urban farming. I wish more people had the dedication to their outdoor space that the Filenes do. Their chickens should stay.

Thanks,

Ariane Curtin Bowen & Rohan Edwards

From: Ali Kruger origin.alison@gmail.com
Subject: Response to Filene's Cease and desist order
Date: July 24, 2023 at 9:48 PM
To: sarah@trilogylaw.com



Hi Sarah,

I am writing in support of the chickens at 117 Chilton Street. My house abuts the 117 Chilton property and except when I look for the chickens, I don't even know the chickens are there.

I even cheerfully refer to the birds when friends come to visit as 'rather well-behaved chickens,' and very much like seeing the birds as part of the garden beds out my young daughter's window. Please know that I am glad the chickens are there and hope they can stay.

Alison Kruger
50 Alpine Street

Pacheco, Maria

From: Karen Ellis <k.suz.ellis@gmail.com>
Sent: Wednesday, August 23, 2023 3:33 PM
To: Pacheco, Maria
Cc: Seth Tasker
Subject: 117 Chilton Street - Order to Remove Chickens

To the Cambridge Zoning Board,

We understand our neighbors, Bob and Susan Filene, have received a City of Cambridge Order to remove their chickens from 117 Chilton Street and are writing in their support in asking for a variance to keep their chickens. We have lived at 120 Chilton St - just across the street from the Filene's - since 2018. We have never had an issue with their keeping chickens. They are a very responsible couple who take very good care of the chickens they raise. We have never had any noise or smell issues in the past 5 years of living on Chilton. Actually our 1 year old daughter is dying to visit them as she is a big animal lover!

Please consider issuing a variance to allow the Filene's to keep their chickens. Thanks for your consideration.

Karen Ellis and Seth Tasker

Pacheco, Maria

From: Helen Ramey <htramey@gmail.com>
Sent: Tuesday, August 29, 2023 12:09 PM
To: Pacheco, Maria
Cc: bob@bobfilene.com
Subject: Chickens at 115-117 Chilton Street

Dear City of Cambridge,

I am the owner of 119-121 Chilton Street, a two-family house that abuts Sue and Bob Filene's house at 115-117 Chilton Street. I do not live in the property on Chilton Street.

The Filene's have chickens in the yard and should be allowed to keep them. The tenants in my house have already written letters in support of the Filenes and their hens.

I agree that the Filenes should be allowed to keep their chickens.

Sincerely,

Helen T. Ramey

 An official website of the United States government [Here's how you know](#)



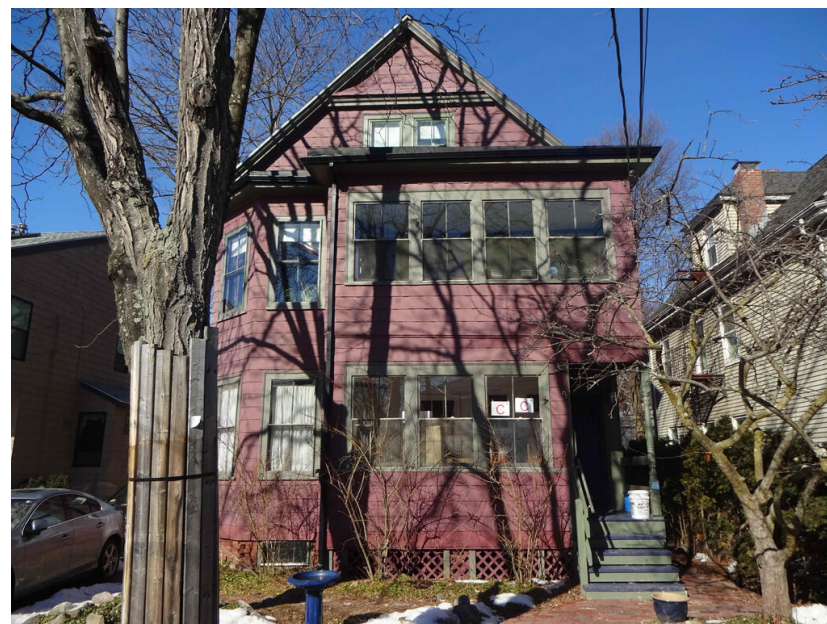
115 Chilton St

Property Information

Property Class	TWO-FAM-RES
State Class Code	104
Zoning (Unofficial)	B
Map/Lot	263-6
Land Area (sq. ft)	3,600

Property Value

Photos



Sketches

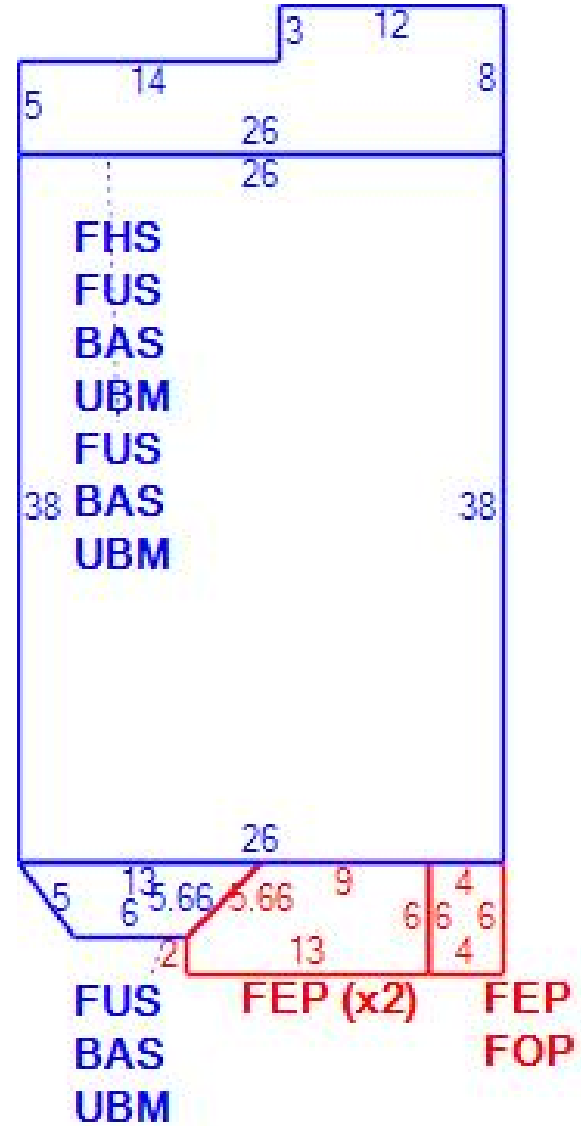
Year of Assessment	2023
Tax District	R8
Residential Exemption	Yes
Building Value	\$778,600
Land Value	\$787,000
Assessed Value	\$1,565,600
Sale Price	\$0
Book/Page	11871/437
Sale Date	August 6, 1970
Previous Assessed Value	\$1,476,300

Owner Information

Owner(s)	FILENE, ROBERT J.& SUSAN R FILENE 117 CHILTON ST CAMBRIDGE, MA 02138-6844
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Building Information

Residential Building Number 1, Section 1
Exterior



Style	OLD STYLE TWO FAM
Occupancy	TWO-FAM-RES
Number of Stories	2.5
Exterior Wall Type	Asbestos Shingl
Roof Type	Gable
Roof Material	Asphalt Shingl

Interior

Living Area (sq. ft.)	2,878
Number of Units	2
Total Rooms	15
Bedrooms	6
Kitchens	2
Full Baths	3
Half Baths	1
Fireplaces	0

Systems

Heat Type	Hot Water
Heat Fuel	Gas
Central A/C	No

Condition & Grade

Year Built	1895
Interior Condition	Good
Overall Condition	Good
Overall Grade	Average

Parking

Open Parking	2
Covered Parking	0

Subareas

Code	Description	Gross Area	Living Area
BAS	First Floor	1,192	1,192
FEP	Porch, Enclosed	164	0
FHS	Half Story, Finished	988	494
FOP	Porch, Open	24	0
FUS	Upper Story, Finished	1,192	1,192
UBM	Basement	1,192	0
Total:		4,752	2,878



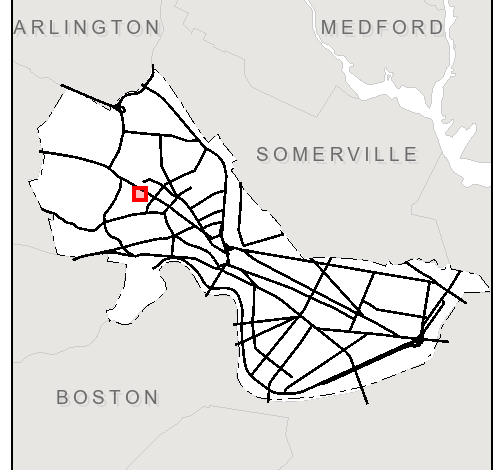
City of Cambridge
Massachusetts

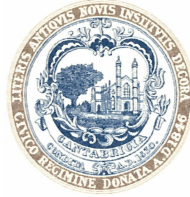
1" = 35 ft

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www.cambridgema.gov/gis

- Address
- Rail
- Building Footprints
- Parcels
- Paved Surfaces
 - Paved Roads
 - Bridges
 - Unpaved Roads
 - Unpaved Parking
 - Sidewalks
 - Driveways
 - Alleys
 - Other Paved Surface
 - Public Footpath





CAMBRIDGE CITY COUNCIL

Quinton Y. Zondervan
City Councillor

To Whom It May Concern,

July 21, 2023

It has come to my attention that a cease and desist letter has been issued to Robert and Susan Filene of 117 Chilton St. in regards to their illegal keeping of chickens. I have had the opportunity to visit the Filene's and observe their chicken keeping practices. In my humble opinion, their chicken keeping does not present a nuisance or safety hazard to their neighbors, nor did I see any signs of rodent activity, and I did not detect any noxious odors or excessive noise.

While it is indisputable that chicken keeping is not allowed in Cambridge, it has been tolerated for many years, and the Urban Agriculture Task Force has been discussing legalizing chicken keeping in Cambridge since at least 2017. It would be unfair and unjust to single out the Filene's for enforcement when other residents are allowed to keep their chickens.

As this current state of affairs is intolerable and undesirable, I intend to introduce at the City Council summer meeting on August 7, proposed legislation to legalize chicken keeping in Cambridge, based on the work of the Urban Agriculture Task Force. I therefore respectfully request that all enforcement action regarding chicken keeping, except any active nuisance or unsafe situations, be stayed until the City Council has had the opportunity to discuss and decide the matter of legalizing chicken keeping this fall.

With gratitude for your attention to this important matter, sincerely,

Quinton Y. Zondervan
City Councillor
Cambridge, Massachusetts

Cc: Cambridge Delegation

To the Board of Zoning Appeals from Susan and Robert Filene, 117 Chilton Street.

We are appealing the order to remove our chickens from 117 Chilton Street. In the alternative, we are asking for a variance to keep chickens until such time as chickens are allowed in Cambridge, or until our deaths, whichever comes first. We believe that we are an example of best practices of urban chicken-keeping. In the six years that we have kept chickens we have had no complaints from neighbors and were, therefore, surprised to receive an order from the city in early July to remove the chickens from our property.

We have been Cambridge residents for 60 years and have lived at 117 Chilton Street for 53 years. When we moved to our house, the yard was covered with poor soil and weeds. Susan has a background in gardening and farming and has worked over the years to improve our soil and to grow food, flowers and herbs. We now have a robust urban farm.

Six years ago, we added chickens. The chickens are an integral part of farming here. Besides providing eggs, their composted manure provides all of our potting soil and soil to enrich raised beds. They free range for one supervised hour each day during which time they eat slugs, mosquito larvae, and ticks. In short, they are beneficial to the ecosystem.

We had followed the City Council discussions regarding the keeping of chickens in Cambridge and had hoped that the City of Cambridge would have passed an ordinance and regulations by now as we had expected. We know other Cambridge residents who are keeping chickens and doing so without issues.

Keeping chickens in a small urban space was new to us, so we began with help from a nationwide organization, Rent the Chicken. In 2017, they brought us a small, standardized coop, two chickens, food, a feeder and waterer, bedding, oyster shells, and chicken treats. They set up the coop in our yard and we added a small fenced run. They required us to buy and read a book about chicken care and were available by phone to answer questions. In November, they took the chickens back to their farm for the winter. In spring they returned the two chickens and we have had them year-round since. Eventually, we built our own walk-in coop and walk-in wire run to ease our backs and to accommodate more chickens.

Over the years we added four additional chickens. One of our oldest, a Rhode Island Red, died peacefully last spring. She lived a year longer than the average lifespan for her breed. The other aging hens still lay enough eggs for what we consume.

Last fall we added two young chickens. These live in a separate, small coop and are cared for by our tenants, one of whom has a degree in Urban Agriculture. There are two reasons for separate coops. First, the older hens will gang up on and injure the young ones. Second, the older chickens now eat a different feed which is easier for them to digest. They also receive probiotics and vitamins, formulated for older hens, in their

water. Both coops and runs are secure against critters. Coop and run floors are covered with salt marsh hay and chopped straw and are cleaned every morning. Manure is composted in secure bins. The coops have fans for hot weather and heated water bowls for winter. In summer, we put ice in the waterers and in winter they eat cracked corn in the evening to help warm them overnight. The two flocks have access to a large dust bath which is necessary for their grooming behavior.

We are hoping that the Board will either grant our appeal of the Inspectional Services cease-and-desist order or alternatively grant us this variance because the alternative will be that we will leave Cambridge to live in a chicken-friendly city. After 53 years in this home, where we raised our two sons, and in our 82nd years of life, it would be a major undertaking for us to begin rebuilding our lives and an urban farm in another city. If we remain here, we can serve as a resource for those who want to raise chickens when, we hope, the ordinance passes.



City of Cambridge
Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Peter McLaughlin
Acting Commissioner

July 6, 2023

BY REGULAR MAIL AND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Robert J. Filene & Susan R. Filene

117 Chilton Street

Cambridge, MA 02138

RE: Chickens at 117 Chilton Street, Cambridge, MA

Dear Mrs. & Mr. Filene,

We are receiving complaints regarding the keeping of chickens at the property 117 Chilton Street Cambridge, MA. Pursuant to Article 4, Section 4.30 of the Cambridge Zoning Ordinance, livestock is not allowed in the City. Please cease and desist this activity immediately. Failure to comply with this order will result in further action, including court action and/or fines of up to \$300 per day, pursuant to Article 9, Section 9.16 of the Cambridge Zoning Ordinance.

You have the right to appeal this decision to the Board of Zoning Appeal within 30 days from the date of this letter, pursuant to Article 10.00, Section 10.20 of the Cambridge Zoning Ordinance.

If you have questions, please contact Olivia Ratay, Zoning Specialist, at (617) 349-6110. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "P. McLaughlin".

Peter McLaughlin

Acting Commissioner

August 2, 2023

VIA Hand Delivery

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Re: BZA Case #235827 -2023 – 117 Chilton Street, Cambridge, MA

Dear Members of the Board:

This firm represents the petitioners, Robert J. Filene and Susan R. Filene, MD, who have owned and resided in the two-family home located 117 Chilton Street since 1970. This is an appeal of a zoning enforcement letter issued by Mr. Peter McLaughlin, Acting Commissioner of Inspectional Services on July 6, 2023. The July 6th letter, a copy of which is attached hereto, cited the Filenes for keeping chickens at their property, stating that “[p]ursuant to Article 4, Section 4.30 of the Cambridge Zoning Ordinance, livestock is not allowed in the City.”

As reasons for this appeal, the petitioners ask this Board to consider the following factors in determining whether the Filenes should be required to remove or dispose of their chickens:

a) The City Council is presently considering a zoning amendment that would legalize the keeping of hens citywide. See Letter of support from Councilor Quinton Zondervan;

b) The City of Cambridge Public Health Department has drafted proposed Standards for the Keeping of Hens, that describe best practices which the Filenes are currently following;

c) The cease and desist order enforced in this instance would result in a great injustice and hardship for the owners who are in their 70s and derive great pleasure and comfort in having chickens as their pets; and

d) The petitioners have the overwhelming support of their neighbors, including the most impacted abutters, as evidenced by the numerous letters of support, attached to this appeal.

We also note that the legal status of chicken-keeping within the City of Cambridge is not entirely clear. There is nothing in the municipal ordinance that specifically prohibits the keeping of “livestock” (or chickens, poultry, or hens). Section 4.13 generally prohibits uses not expressly listed in the Section 4.30 Table of Uses. However, where an activity has historically been seen as incidental to residential living, we would urge this Board to find that the general language of Section 4.31 should not be construed so broadly so as to prohibit the Filenes from keeping their backyard hens.

The owners respectfully ask this Board to vacate the cease-and-desist order at this time, while the City Council takes up consideration of this revision to the Cambridge Zoning Ordinance.

Thank you for your consideration.

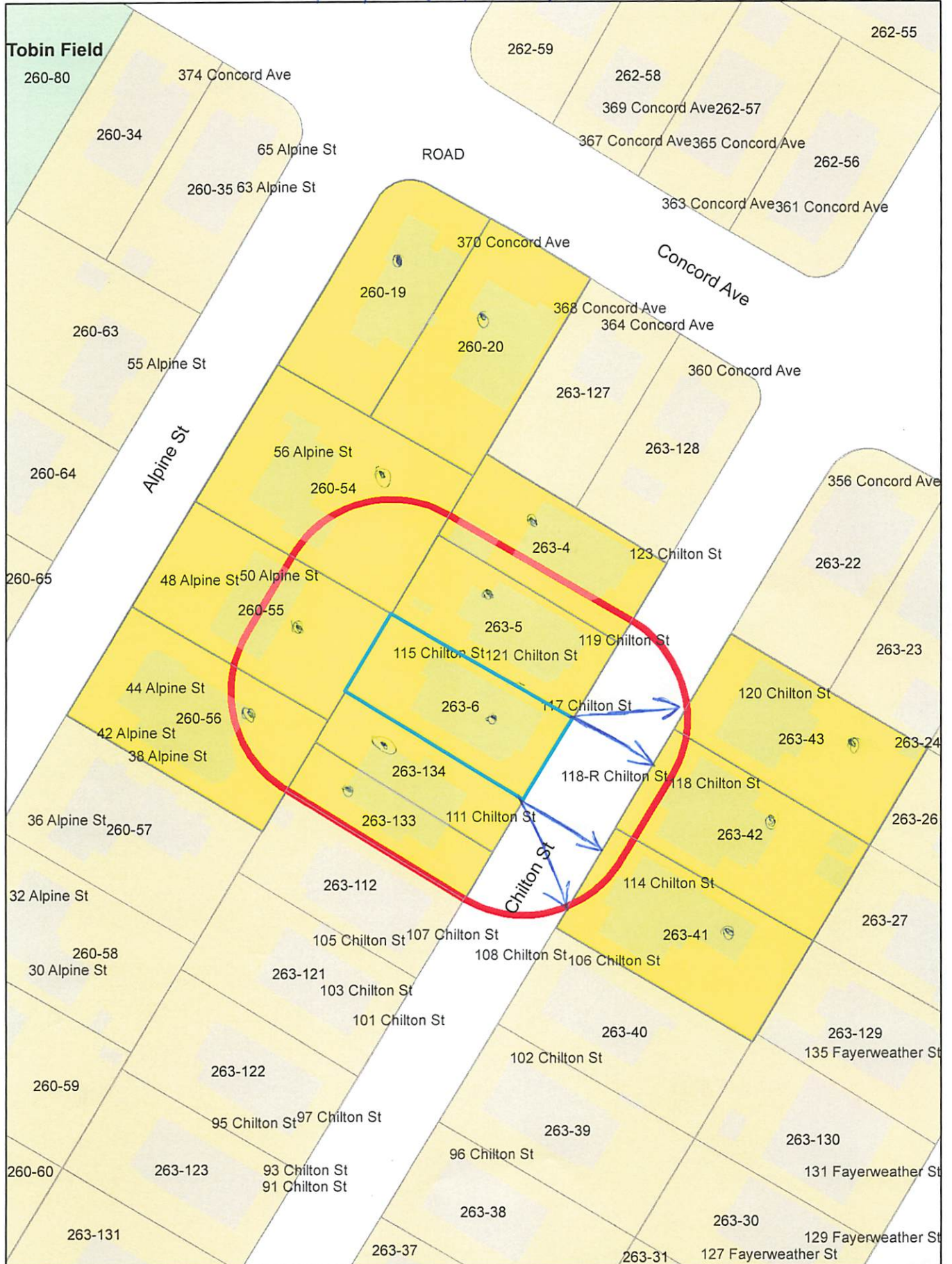
Sincerely,

Sarah Like Rhatigan, Esq.

Enclosures

CC (via email): Mr. Robert J. Filene
 Susan R. Filene, MD

117 Chilton St.



117 Chilton St

Petitioner

260-19
PREER, ROBERT M. JR., &
EILEEN T. HART, TRUSTEES
P.O BOX 44507
AURORA, CO 80044

260-56
HULL, ELIZABETH MARRAN
C/O ELIZABETH MARRAN
44 ALPINE ST.
CAMBRIDGE, MA 02138-6811

TRILOGY LAW LLC
C/O SARAH LIKE RHATIGAN, ESQ.
12 MARSHALL STREET
BOSTON, MA 02108

260-55
FILENE, ROBERT J. SUSAN R FILENE
117 CHILTON
CAMBRIDGE, MA 02138-6844

263-5
RAMEY, HELEN T.
121 CHILTON ST
CAMBRIDGE, MA 02138

263-42
HUTCHINSON, GEORGE E., SR.,
TR THE HUTCHINSON CHILTON TRUST
118 CHILTON ST
CAMBRIDGE, MA 02138

263-6
FILENE, ROBERT J. & SUSAN R FILENE
117 CHILTON ST
CAMBRIDGE, MA 02138-6844

263-43
TASKER, SETH & KAREN MCNAMARA
120 CHILTON ST
CAMBRIDGE, MA 02138

263-133
DEO NISHA KULKARNI TEJAS
111 CHILTON ST
CAMBRIDGE, MA 02138

260-20
RICHARDS, STEWART A. & NANCY J. RICHARDS
368 CONCORD AVE. UNIT 2
CAMBRIDGE, MA 02138

263-4
CHRISTINE R. BAKER & DAVID A. BAKER
365 CONCORD AVE
CAMBRIDGE, MA 02138

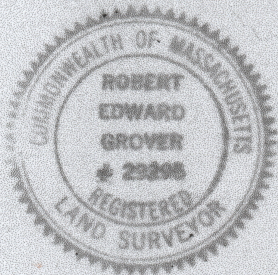
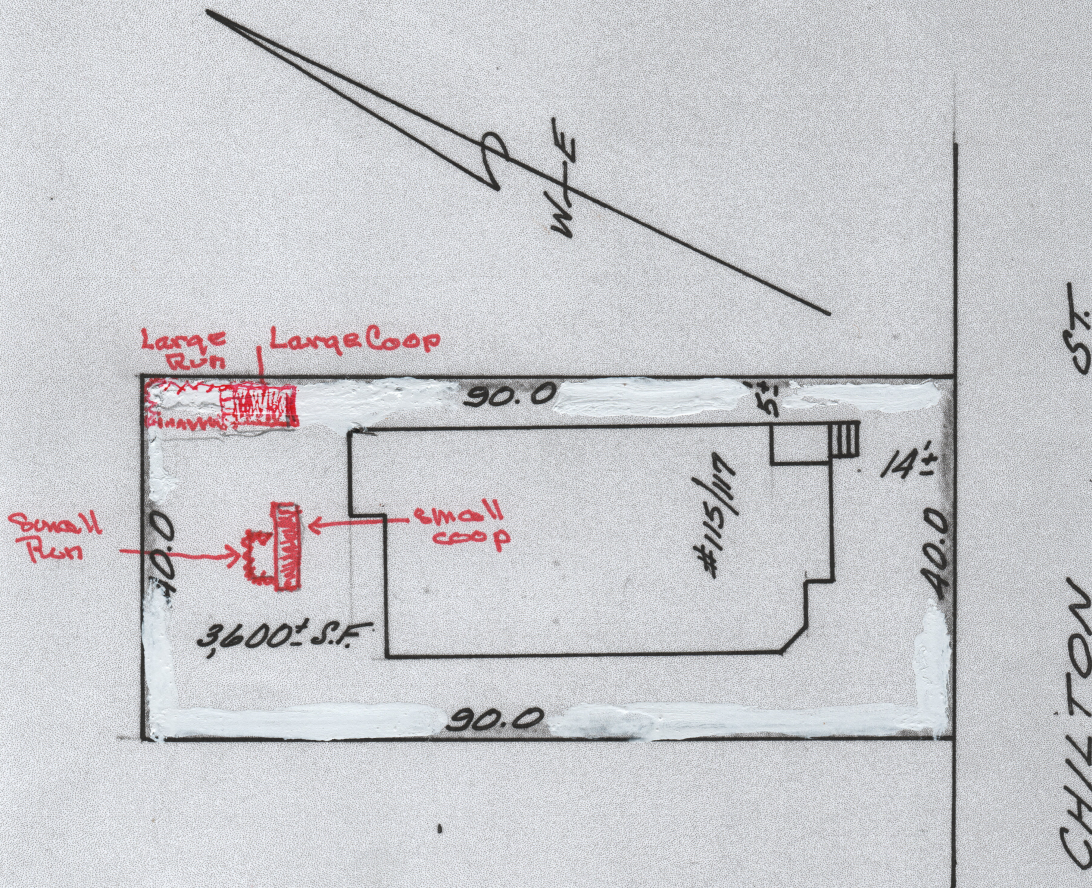
260-20
MARICICH, YURI & BRIDGET MARICICH
368 CONCORD AVE. UNIT 1
CAMBRIDGE, MA 02138

263-134
KIM YOUNG
113 CHILTON ST
CAMBRIDGE, MA 02138

260-54
MENZIN NANCY W TRS MENZIN REALTY TR
56 ALPINE ST
CAMBRIDGE, MA 02138

263-41
LEGARE, CHANTALE
116 CHILTON ST
CAMBRIDGE, MA 02138

This plot plan was not made from an instrument survey and is for the use of the bank only. Under no circumstances are offsets to be used for establishing property lines or constructing fences, etc.



PLOT PLAN OF LAND
IN
CAMBRIDGE
MARCH 1, 1986 SCALE: 1"=20'
PREPARED BY J & B SURVEY

I certify that the building on this property is located on the ground substantially as shown, and that it conformed to the zoning laws of this City when constructed. This lot is not on the flood plain.

Robert E. Grover
204 Beech Ave. Melrose



Cambridge
Public Health
Department

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

WHEREAS, the Cambridge Public Health Department promotes healthy eating, local food resiliency, and sustainable local food initiatives; and

WHEREAS, the keeping of hens provides local egg production; and

WHEREAS, minimum standards are necessary to promote the responsible care and welfare of hens to minimize disease transmission; and

WHEREAS, minimum standards are necessary to protect the health, safety, and welfare of local residents and the environment;

NOW THEREFORE, the Cambridge Public Health Department promulgates the following regulation to protect the health and quality of life of Cambridge residents, workers, students, and visitors.

Section 1. Purpose

The purpose of this regulation is to protect the public health of Cambridge residents, workers, students, and visitors while promoting healthy and safe local food access through support of urban agriculture initiatives.

Section 2. Authority

This regulation is adopted under the authority of M.G.L c.111 §31 and §122.

Section 3. Definitions

Abutter: shall mean the owners or tenants of the property which adjoins the lot upon which hens will be kept, whether or not said properties are separated by a public way

Chicken: shall mean any breed of the domestic species *Gallus gallus domesticus*

Coop: shall mean a structure for the keeping or housing of hens

Hens: shall mean a domestic female chicken of the species *Gallus gallus domesticus*



Cambridge
Public Health
Department

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

Henhouse: shall mean an enclosed structure or coop for hens (see also “coop”)

HPAI: shall mean Highly Pathogenic Avian Influenza

Manure Management Plan: shall mean a plan for the handling of manure. The plan shall address cleaning, composting, storage, utilization and removal of manure

MDAR: shall mean the Massachusetts Department of Agricultural Resources

MDPH: shall mean the Massachusetts Department of Public Health

MSPCA: shall mean the Massachusetts Society for the Prevention of Cruelty to Animals

Noise: shall mean sound of sufficient intensity and/or duration as to (a) cause a nuisance, (b) is injurious or, on the basis of current information potentially injurious to human health, or (c) unreasonably interferes with the comfortable enjoyment of life and property

Owner: shall mean the permit holder and/or the person who keeps and maintains hens (hen keeper)

Pen: shall mean the enclosed outdoor space for hens (see also “run”)

Pest: shall mean any unwanted creature, including vermin, that would seek access to chicken feed, such as mice or rats

Pest Management Plan: shall mean a plan that adequately defines measures that shall be taken by the hen owner to minimize the presence of rodents, insects, and predators

Predator: shall mean any creature that would seek to harm or consume hens

Property owner: shall mean every person who alone or severally with others: (1) has legal title to any dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or (2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or (3) is a mortgagee in possession of any such property; or (4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property; or (5) is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he were the owner. Owner also means every person who operates a rooming house.

Public health nuisance: shall mean unreasonable interference with or that which is injurious to the health, safety, hygiene, and comfort of the general public. Public health nuisance conditions include



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

but are not limited to that which is unsanitary, by means of accumulation of organic waste, combustible or non-combustible inorganic waste materials, or contributes to disease transmission, noise, odor, or other filth or health hazards. See also M.G.L c.111 §122.

Rooster: shall mean a male chicken of the domestic species *Gallus gallus domesticus*

Run: shall refer to pen and/or a completely enclosed outdoor area designed to allow hens access to the outdoors while providing protection from pests and predators

Runoff: shall mean water from natural or unnatural sources that flow over the surface of the ground

Unsanitary Conditions: shall mean any condition that is conducive to or results in a disease transmission pathway, is injurious or potentially injurious to human health, or reasonably interferes with the health and safe enjoyment of life and property. Unsanitary conditions may include, but are not limited to the following: filth, public health nuisance, the presence or attraction of vermin or pests, breeding of insects, offensive odors, rodent infestation, runoff, and noise.

Vermin: shall refer to rodents and insects, including disease vectors such as flies and mosquitos

Section 4. Application & Permits

1. No person shall keep hens in Cambridge without first obtaining a permit from the Cambridge Public Health Department.
 - a. Each applicant shall submit a site plan review application to the Department which must include the following items:
 - i. Applicant name and contact information
 - ii. Scale drawing (hand drawn or electronic) which includes the following information:
 1. Size of the lot/property
 2. Proposed location and exact dimensions of coop and pen
 3. Location of existing structures on property, including fences, and indication of distance of coop and pen from all abutters
 4. Proposed location of food and water, and feed storage
 - iii. Details regarding the proposed structure and construction of coop and pen, including type and nature of building materials and hardware needed
 - iv. Manure management plan
 - v. Pest management plan



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

- vi. Proposed number of hens and estimated square footage per hen for the coop and pen
- vii. Written (signed) consent of property owner of record
- viii. Written (signed) statement from hen keeper (applicant), which shall include:
 1. An agreement to not abandon hens in case of rental contract termination or sale of property; and
 2. A written contingency plan to transfer ownership of hens(s) to another owner or sanctuary if necessary; and
 3. Acknowledgment that hens cannot be surrendered to Cambridge Animal Control at any time
- b. Total number of proposed hens shall comply with Cambridge Zoning Ordinance requirements
 - i. Any request for a variance shall be submitted in writing to the Department and be subject to Department approval (see section 12.00)
- c. Application Review
 - i. The Department will review complete applications and may require additional information or clarifying statements to aid in review of application or suggest modifications to plans for final approval
 - ii. The applicant shall notify abutting neighbors of application via certified letter
 - iii. An applicant or abutter may submit a written request for a hearing with the Department within seven (7) business days of notification for the purpose of reviewing plan and design considerations and suggested modifications
- d. Permit Approval
 - i. Any modifications of plans after permit is issued shall require written notification to the Department and shall require re-approval;
 - ii. All permits issued by the Department shall be nontransferable
 1. Any sale or transfer of property shall require written notification from the permit holder to the health department immediately
 2. A new permit application must be submitted to the Department by any new owner seeking to keep hens on said property
2. Permit application and renewal fees (TBD)
3. Permit Renewal schedule
 - a. All permits shall be renewed annually and shall expire on December 31 (TBD) of each calendar year
 - b. Permit renewal applications must be submitted to the Department at least 3 weeks before expiration date



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

Section 5. Operations & Practice

1. No roosters shall be kept in Cambridge at any time
2. All applicable Cambridge Zoning Ordinance requirements shall be in compliance
3. The location of the coop and pen shall be subject to the following requirements
 - a. No less than 100 feet from a Wetland as defined by M.G.L. c.131 §40
 - b. No less than 100 feet from any public drinking water supply
 - c. Placement and features shall be designed to prevent runoff beyond the property line
4. All applicable requirements of 330 CMR 5.00 (MA Poultry regulation) shall be in compliance.
5. Owners shall follow MDAR best management practices and recommended biosecurity measures for backyard poultry keepers.
 - a. Measures may include but are not limited to the following: adequate coop ventilation; protection from the elements, drafts, and moisture; appropriate litter/coop floor substrate; adequate nutrition, food supply, and access to potable water; appropriate manure management and predator/pest control; adherence to requirements for buying, transporting, exhibiting and selling hens; *Salmonella pullorum* testing and *Mycoplasma* screening; obtaining birds from a reputable source; appropriate vaccination against infectious diseases; and quarantine requirements for introduction of new birds to an established flock.
6. The following conditions shall apply to waste and manure management:
 - a. Waste may be composted with carbonaceous/organic material such as hay, bedding, or leaves
 - b. Should the weather be too cold, or composting is not otherwise possible, waste must be stored in a sealed container until proper disposal
 - c. Bi-weekly cleaning of henhouses is required; more frequent cleanings may be required as needed to prevent odor or nuisance conditions
7. All coops shall be elevated above ground level and employ gap-free construction using the proper gauge wire ($\leq 1/2$ " hardware cloth) to prevent access to rodents and other vermin
8. All coops shall be marked with owner's name and contact information
9. All hens shall have access to fresh potable water daily; stagnant water is not permitted
10. Hens shall be kept in enclosed coops and pens at all times unless actively supervised
 - a. Hens shall be kept segregated from interaction with migratory waterfowl
 - b. All hens must be confined to the permit holder's property at all times to prevent wandering and straying onto other properties
11. Unsanitary conditions and/or public health nuisance conditions shall not be permitted, including, but not limited to perceptible odor or noise at the property boundary



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

- a. Investigation of noise complaints is subject to the jurisdiction of the Cambridge License Committee
12. All owners shall be required to notify the Department of any changes to the plan submitted in the original permit application, in accordance with Section 4 of this regulation

Section 6. Predator & Pest Control

1. All chicken feed shall be stored securely in a moisture-proof container inaccessible to rodents, pests, and predators, inside the primary structure
2. All feed leftover from feeding shall not remain in an area accessible to rodents, pests, and predators after dusk
3. All regulations and best practices shall be followed in compliance with section 5.00 of this regulation

Section 7. Health & Disease Concerns

1. In compliance with section 5.10a of the regulation, interaction of hens with wild waterfowl (e.g., ducks, geese) shall be avoided, to the extent feasible, to prevent HPAI transmission
2. In the unlikely event of a confirmed positive case of HPAI in a domestic flock, response actions shall proceed as directed by state officials under the Commonwealth of Massachusetts HPAI Multi-Agency Coordination and Operations Plan, including applicable quarantine, control zone restrictions, depopulation, decontamination, disposal and/or clearance requirements
3. Young children (<5 years) and people with compromised immune systems are at highest risk of salmonella infection and should not be involved in the care and maintenance of hens

Section 8.00 Humane Treatment

1. All practices shall comply with state requirements per M.G.L. c.272 §77 for the humane treatment of animals
 - a. Reports of cruelty to animals are subject to investigation by MSPCA Law Enforcement
2. The coop and pen shall be kept sanitary, free from decaying or rotting food, filth, vermin infestation, and stagnant water
3. All best practices as enumerated in section 5.00 of the regulation shall be in compliance



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

Section 9.00 Sale of Eggs

1. Farm fresh eggs offered for sale must be stored and maintained at 45°F or less in accordance with MDPH and MDAR requirements
2. Sale of any cooked or processed eggs, egg products, or any other type of food products requires a retail food permit with the City of Cambridge Inspectional Services Department (ISD) in compliance with the MA Food Code 105 CMR 590.

Section 10.00 Inspections

1. The Department or designated agent(s) for the Department shall be the chief enforcement officer of this regulation and shall have the authority to issue violations, enforcement orders, and penalties.
2. There shall be one or more initial inspections during the permit application and review phase to determine permit approval
3. There shall be at least one annual routine inspection
4. Inspections by the chief enforcement officer shall also take place upon the following:
 - a. Written or telephonic complaint
 - b. Any changes or modifications to plan or ownership as outlined in Section 4 of this regulation
 - c. Re-inspections upon violations
 - d. As needed to ensure to assure safe and sanitary operations

Section 11.00 Violations, Enforcement Orders & Penalties

1. Written notice of any violation of this Regulation shall be given to the owner of the hens and property owner by the chief enforcement officer, and shall:
 - a. Specify the nature of the violation and the schedule for compliance
 - b. Order any corrective actions that must be undertaken to bring to compliance, and
 - c. Order any preventative measure required to avoid future violations.
2. Any permit holder or licensee may request a hearing by written request to the Department within 10 days of receipt of written notice of violations.
3. If the Department, or its agent, determines that the hens cause disturbances on, or damage to neighboring property or public areas, the Department or its agent may require that the hens be relocated, at the owner's expense, immediately



CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

4. If, under the judgment of the Department, a condition of imminent public health hazard exists the Department shall issue an immediate cease and desist order; other actions may include, but are not limited to suspension or revocation of permit
5. Whoever violates any provision of this regulation may be penalized by a non-criminal disposition process as provided by M.G.L c.40 §21D. If non-criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty as follows:
 - a. First Offense - \$25.00
 - b. Second Offense - \$50.00
 - c. Third Offense - \$100.00
 - d. Fourth and Further Offenses - \$300.00
 - e. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
6. Whoever violates any provision of this regulation may be penalized by indictment or on complaint brought in a court of competent jurisdiction as provided by M.G.L. c.218 §26. Except as may be otherwise provided by law and as the court may see fit to impose, the maximum penalty for each violation or offense shall be three hundred dollars. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.
7. The Department may suspend, revoke, or decline to renew a permit for cause after reasonable notice to the licensee of the grounds for the proposed action.

Section 12.00 Variances

1. The Department may vary the application of any provision of this regulation with respect to any particular case, when, in the Department's opinion, the enforcement thereof would do manifest injustice; provided that the decision does not jeopardize public health or the environment and shall not conflict with the intent and spirit of this regulation.
2. A request for a variance shall be submitted in writing. The Department may ask for supporting evidence in order to consider the variance request. The request shall not be deemed complete until all such requested evidence has been received by the Department.
3. Any variance granted under this section may be subject to qualification, revocation, suspension, or expiration. A variance granted may be revoked, modified, or suspended in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard in accordance with this regulation.
4. Any variance granted by the Department shall be in writing. A copy of any such variance, while it is in effect, shall be available to the public at all reasonable hours at the Department. A copy of the variance shall also be on file with the permit holder.



Cambridge
Public Health
Department

CAMBRIDGE PUBLIC HEALTH DEPARTMENT REGULATION FOR THE KEEPING OF HENS

Section 13.00 Severability

If any provision, clause, section, sentence, or paragraph of the above regulation shall be held to be invalid, such invalidity shall not affect the remaining provisions of the regulation. The valid part of any provision, clause, section, sentence, or paragraph shall be given independence from the invalid provisions, and to this end the regulations are hereby declared to be severable.

DRAFT

Pacheco, Maria

From: Julia Argy <julia.argy@gmail.com>
Sent: Wednesday, September 20, 2023 3:40 PM
To: Pacheco, Maria
Subject: Letter in Support of BZA-235827

Hello,

I would like to express my support for the Filenes' appeal to keep chickens on their residential property on Chilton St in Cambridge. I am a fellow West Cambridge resident and believe that the addition of chickens into our neighborhood enriches our community. Backyard chickens offer a variety of benefits, including but not limited to: access to fresh eggs and meat, a way to reduce kitchen waste, a source of fertilizer, and are part of a vision for a future of local, sustainable food systems in our urban environment.

They should be permitted in Cambridge under the right conditions, which the Filenes have met in this case, and more widely across the city.

Warmly,
Julia Argy

Pacheco, Maria

From: manbok1000 <manbok707@gmail.com>
Sent: Thursday, September 7, 2023 12:17 PM
To: Pacheco, Maria
Cc: Amanda Kim
Subject: Letter of support for chickens on 117 Chilton St

To Whom it May Concern

I am the owner of 113 Chilton St, which is right next door to 117 Chilton St. I am writing a letter in support of the chickens being allowed to stay. They are very cute, have never caused any problems, and they add to the serene and pastoral ambience of the neighborhood.

Best,

Young Kim
Owner of 113 Chilton St

Pacheco, Maria

From: Stewart A. Richards <sarichards@aol.com>
Sent: Thursday, September 7, 2023 9:59 PM
To: Pacheco, Maria
Cc: susanfilene@gmail.com; Nancy Richards
Subject: Chicken Keeping in Cambridge

Maria Pacheco
Zoning Administrator,
Inspectional Service Department
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms Pacheco,

I write this with a twofold purpose: first, to endorse and lend my/our support of the legislation recently introduced to allow chickens keeping in Cambridge, and second, to support the dismissal of the City's citation of the Filenes of 117 Chilton Street for doing so. As an abutter of an abutter by virtue of shared property (backyard) boundaries, I assure you that the Filenes enterprise in urban farming is thoroughly consistent with the look and feel of the neighborhood. And, until this matter was brought to our attention, I/we were unaware of the presence of poultry husbandry there, i.e., no deleterious or negative impact - environmental or otherwise (e.g., disturbing the peace) resulting from this activity.

I am saddened to learn of the City's treatment of the Filenes, particularly in light of my pleasant and satisfactory experience over the years with the City's workers, staff and management on a number of occasions covering a variety of issues. Further, given the willingness and apparent momentum of the City Council to legitimize this activity city-wide, I believe this heavy handedness needs to be rectified immediately and exonerate the Filenes in the fullest possible and legal measure.

Note: I also am writing this on behalf of my wife Nancy. Both our families' histories include a long heritage of farming and master craftsmanship so key to the wellness, betterment and growth of our respective communities in New England. Thus we have a healthy respect if not admiration of the Filene's urban farming enterprise and all that entails - including keeping chickens. I/we would expect the same from the City.

Regards, SAR/hs

Stewart A. Richards
368 Concord Avenue #2
Cambridge, MA 02138-1212
h 617 714 3355 c 617 680 5747
alt sarichards@alum.mit.edu

"Most of what I learned was listening to myself talking about things I didn't understand." Gracie Allen

Pacheco, Maria

From: Susan Filene <susanfilene@gmail.com>
Sent: Thursday, September 7, 2023 10:30 PM
To: Stewart A. Richards
Cc: Pacheco, Maria; Nancy Richards; Bob Filene ICE
Subject: Re: Chicken Keeping in Cambridge

Dear Mr. Richards,

Thank you for the wonderful letter of support for our efforts to keep our chickens and to work with the city council to pass an ordinance allowing chicken keeping in Cambridge.

We have just received notice that the hearing before the Zoning Board of Appeals will be on September 28, probably in the evening. If you would like to be present, or even speak, via Zoom (or whatever they use) we will send you the link when we have it.

You and you wife, and anyone you know who might be interested, are welcome to visit and get to know us, our tenants and our backyard urban farm.

I grew up in a farming community, Wilton, NH and began paid farm work at age 13 to earn college money. I have farmed, one way or another, most of my life. I'm wondering where, in New England, you and Nancy grew up?

Sincerely,

Susan

On Sep 7, 2023, at 9:59 PM, Stewart A. Richards <sarichards@aol.com> wrote:

Maria Pacheco
Zoning Administrator,
Inspectional Service Department
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

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Regards, SAR/hs

Stewart A. Richards
368 Concord Avenue #2
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"Most of what I learned was listening to myself talking about things I didn't understand." Gracie Allen



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: ROBERT FILENE Date: 9-11-23
(Print)

Address: 117 Clinton St.

Case No. BZA-235827

Hearing Date: 9/28/23

Thank you,
Bza Members

September 25, 2023

VIA Email Only

Board of Zoning Appeal
City of Cambridge
831 Massachusetts Avenue
Cambridge, MA 02139

Attn: Ms. Maria Pacheco, Zoning Administrator

Re: BZA Case #235827 -2023 – 117 Chilton Street, Cambridge, MA

Dear Ms. Pacheco and Members of the Board:

The petitioners, Robert J. Filene and Susan R. Filene, MD, respectfully request a continuance of Case #235827-2023 scheduled to be heard on September 28th, 2023. The Petitioners request that the hearing for BZA Case #235827 be continued until the hearing on December 14, 2023.

As reasons for this continuance, the Petitioners note that on September 11, 2023, the City Council voted to refer a Zoning Petition to amend the Zoning Ordinance for the purpose of allowing hen keeping as a permitted accessory use to principal residential uses to the Planning Board and Ordinance Committee for hearing and report. The Ordinance Committee will hold its hearing on October 10th, 2023. The Planning Board has not yet set a hearing date. It is expected that the legislative process will take another month or two to conclude.

If the City Council votes to amend the Zoning Ordinance to allow for hen keeping, the Petitioners keeping of hens at their property would then be permissible under the Zoning Ordinance as of right, subject to regulations to be promulgated by the Cambridge Public Health Department. In such event, the cease and desist letter issued to the Petitioners in this case may be rescinded and thus the appeal and variance the Petitioners are seeking in this case may become moot.

Thank you for your consideration.

Sincerely,

Sarah Like Rhatigan, Esq.

CC (via email): Mr. Robert J. Filene
Susan R. Filene, MD

Pacheco, Maria

From: Sarah Rhatigan <sarah@trilogylaw.com>
Sent: Friday, December 8, 2023 10:30 AM
To: McLaughlin, Peter
Cc: Ratay, Olivia; Singanayagam, Ranjit; Pacheco, Maria; Susan Filene; Robert Filene
Subject: Letter Requesting Rescinding of Cease and Desist Letter - 117 Chilton Street, Cambridge, MA
Attachments: Letter to Comm. McLaughlin (12.08.23) w attachments.pdf

Hello Commissioner McLaughlin—

As you may recall, I represent the Filenes with regard to the cease and desist letter of July 6, 2023 which cited them for keeping hens. As we have discussed, the City council recently (on Nov. 20th) passed an amendment to the zoning ordinance to expressly legalize hen keeping. The Filenes now respectfully request that you rescind your July 6th letter. Their hen keeping is now expressly allowed in Cambridge.

Attached here is our formal letter making this request. Please note that I have been waiting (impatiently) for the CDD to post the text of the amendment online. In the meantime, I have included with this letter the City Council records that confirm that the Council voted unanimously to pass Ord 2023 #9. I have also attached the CDD letter to the City Manager which included the text of the zoning amendment as ordained.

If you have any questions about this, or wish to discuss, please contact me immediately.

We would very much like to have this resolved before next Thursday (Dec. 14) when our Appeal and Variance petitions are scheduled to be heard by the BZA.

Thank you very much for your attention to this matter.

-Sarah

Sarah Like Rhatigan, Esq.
Trilogy Law LLC
12 Marshall Street
Boston, MA 02108
Tel: 617-543-7009
Email: Sarah@trilogylaw.com

December 8, 2023

VIA Email and First Class Mail

Commissioner Peter McLaughlin
City of Cambridge Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Re: Request to Rescind Zoning Enforcement Letter of July 6, 2023 Issued to Filenes
With Respect to Henkeeping at 117 Chilton Street, Cambridge, MA

See Appeal Filed as BZA Case #235827 -2023

Dear Mr. McLaughlin:

On behalf of Robert J. Filene and Susan R. Filene, MD, the owners of 117 Chilton Street, we respectfully request that you rescind the zoning enforcement letter issued by you on July 6, 2023, in which you cited the Filenes for keeping chickens at their property.

Upon receipt of the Letter, the Filenes timely filed an Appeal and Variance petitions to the Board of Zoning Appeal (BZA Case #235827). These petitions are currently scheduled for hearing on Thursday, December 14th.

The Filenes then successfully campaigned the Cambridge City Council to urge the City to amend its laws. On November 20, 2023, Cambridge's City Council ordained an amendment to the CZO (Ord. 2023 #9) that legalizes Henkeeping in the City of Cambridge.¹ Specifically, the amendment provides as follows:

- A) Allows Henkeeping as an Accessory Use when conducted on the lot of and in conjunction with a principal residential use (including Section 4.31 a.-h., excluding transient accommodations);
- B) Allows for Henhouses or Hen Runs to be located within a required yard (but not in the front yard);

¹ See Final Actions of Cambridge City Council, November 20, 2023, Ordinance 2023 #9, Ordained as Amended (p. 5 of attached). See also Letter from CDD to Yi-An Huang, City Manager, dated November 15, 2023, including text of zoning amendment as ordained.

- C) Establishes basic Standards for Henkeeping, addressing specific requirements such as, no roosters, no front yard enclosures, and maximum height and size of Henhouses, and
- D) Provides that Henkeepers will be required to apply for a permit from the Department of Public Health, who will implement regulations governing health and safety requirements.

The Filenes' are in compliance with the new zoning amendment. They raise hens (and no roosters), 5 by them and 2 raised by their tenants (which number is anticipated to be allowable with issuance of a permit from the Cambridge Department Public Health). Their henhouses and run comply with the requirements in terms of location (in the rear yard), height (no more than 8 feet), and size (no more than 50 square feet).

The Filenes anticipate that they will be able to comply with future health and safety regulations to be developed by the Cambridge Public Health Department. As soon as Public Health Department issues its Henkeeping regulations and permit application materials, the Filenes intend to be among the first to apply.

For these reasons, the Filenes respectfully ask that you rescind and vacate the cease-and-desist Letter of July 6, 2023, at this time. This will allow us to withdraw our pending Appeal and Variance petitions to the BZA and avoid an unnecessary hearing.

If you have any questions or need any additional information, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,



Sarah Like Rhatigan, Esq.

Enclosures

CC (via email): Mr. Robert J. Filene
Susan R. Filene, MD



City of Cambridge
Inspectional Services Department
831 Massachusetts Avenue
Cambridge, MA 02139

Peter McLaughlin
Acting Commissioner

July 6, 2023

BY REGULAR MAIL AND CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Robert J. Filene & Susan R. Filene
117 Chilton Street
Cambridge, MA 02138

RE: Chickens at 117 Chilton Street, Cambridge, MA

Dear Mrs. & Mr. Filene,

We are receiving complaints regarding the keeping of chickens at the property 117 Chilton Street Cambridge, MA. Pursuant to Article 4, Section 4.30 of the Cambridge Zoning Ordinance, livestock is not allowed in the City. Please cease and desist this activity immediately. Failure to comply with this order will result in further action, including court action and/or fines of up to \$300 per day, pursuant to Article 9, Section 9.16 of the Cambridge Zoning Ordinance.

You have the right to appeal this decision to the Board of Zoning Appeal within 30 days from the date of this letter, pursuant to Article 10.00, Section 10.20 of the Cambridge Zoning Ordinance.

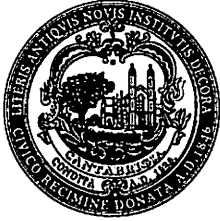
If you have questions, please contact Olivia Ratay, Zoning Specialist, at (617) 349-6110. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. McLaughlin'.

Peter McLaughlin

Acting Commissioner



CITY COUNCIL REGULAR MEETING

NOVEMBER 20, 2023

5:30 PM

SULLIVAN CHAMBER

~FINAL ACTIONS~

MEETING

Monday, November 20, 2023

TIME

5:30 PM

PRESIDING OFFICER

Mayor Sumbul Siddiqui

CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input type="checkbox"/> Remote	<input 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"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input checked="" type="checkbox"/>	<input 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"/>	

- Minutes of the City Council - Regular Meeting - October 30, 2023 5:30 PM

RESULT:	ACCEPTED [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

- Minutes of the City Council - Regular Meeting – November 6, 2023 5:30 PM

RESULT:	ACCEPTED [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

I. CITY MANAGER'S AGENDA

1. A communication transmitted from Yi-An Huang, City Manager, relative to the appointment of Dennis Jen as a member of the Open Data Review Board for a term of two-years.
CMA 2023 #271

RESULT:	APPROVED [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

2. Transmitting Communication from Yi-An Huang, City Manager, relative to the appropriation of \$2,950,000 from Free Cash to the Public Investment Fund Fire Extraordinary Expenditures account. This appropriation will fund the purchase of a 105' Pierce Aerial Ladder truck and a Pumper Truck. Both apparatuses will feature new Cummings X-10 engines, which comply with the latest emissions standards, and will come with idle reduction technology. CHARTER RIGHT EXERCISED BY COUNCILLOR NOLAN IN COUNCIL NOVEMBER 20, 2023
CMA 2023 #272

RESULT:	CHARTER RIGHT EXERCISED BY COUNCILLOR NOLAN IN COUNCIL NOVEMBER 20, 2023	Next: 12/4/2023 5:30 PM
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3. A communication transmitted from Yi-An Huang, City Manager, relative to a Home Rule petition regarding the Fire Chief position. CHARTER RIGHT EXERCISED BY COUNCILLOR TONER IN COUNCIL NOVEMBER 20, 2023
CMA 2023 #273

RESULT:	CHARTER RIGHT EXERCISED BY COUNCILLOR TONER IN COUNCIL NOVEMBER 20, 2023	Next: 12/4/2023 5:30 PM
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4. A communication transmitted from Yi-An Huang, City Manager, relative to Awaiting Report Item Number 23-72 regarding mechanisms to support Cannabis Business in Cambridge.
CMA 2023 #274

RESULT:	PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

5. A communication transmitted from Yi-An Huang, City Manager, relative to the Planning Board's recommendation on the Henkeeping Zoning Petition and amended zoning text.
CMA 2023 #275

RESULT:	PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

6. A communication transmitted from Yi-An Huang, City Manager, relative to Policy Order #23-207, regarding Inman Square Apartments.
CMA 2023 #276

RESULT:	PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

7. A communication transmitted from Yi-An Huang, City Manager, relative to the East Cambridge Neighborhood Conservation District Study.
CMA 2023 #277

RESULT:	PLACED ON FILE [7-2-0]
YEAS:	Councillor Azeem, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Mayor Siddiqui
NAYS:	Councillor Carlone, Councillor Zondervan

8. A communication transmitted from Yi-An Huang, City Manager, relative to an Equity Inclusion Fall 2023 Update.
CMA 2023 #278

RESULT:	PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

9. A communication transmitted from Yi-An Huang, City Manager, relative to the American Freedmen Commission Ordinance.
CMA 2023 #279

RESULT:	CMA 2023 #279 REFERRED TO ORDINANCE 2023 #11 FREEDMEN COMMISSION ON UNFINISHED BUSINESS [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

10. A communication transmitted from Yi-An Huang, City Manager, relative to Awaiting Report 22-40, regarding a Community Engagement Update.
CMA 2023 #280

RESULT:	PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

11. A communication transmitted from Yi-An Huang, City Manager, relative to the 2023 Cambridge Resident Satisfaction Survey Results.
CMA 2023 #281

RESULT:	PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

12. Transmitting Communication from Yi-An Huang, City Manager, relative to the appropriation of \$500,000, from Free Cash, to the Public Investment Fund Executive Extraordinary Expenditures account to support an evaluation of the Rise Up Cambridge Cash Assistance for Families Program.
CMA 2023 #282

RESULT:	APPROPRIATION ADOPTED CMA PLACED ON FILE [9-0-0]
YEAS:	Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

II. CALENDAR

ON THE TABLE

1. An application was received from Nina Quinlan, requesting permission for a curb cut at the premises numbered 63 Sixth Street said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. Response has been received from the neighborhood association.
**CHARTER RIGHT EXERCISED BY COUNCILLOR NOLAN
IN COUNCIL OCTOBER 30, 2023
PLACED ON THE TABLE IN COUNCIL NOVEMBER 6, 2023
APP 2023 #55**

RESULT: NO ACTION TAKEN

Next: 12/4/2023 5:30 PM

UNFINISHED BUSINESS

2. An Ordinance has been received from City Clerk, relative to proposed changes to Cannabis Business Permitting Proposed Ordinance 2023-6.
ORD 2023 # 6

RESULT: ORDAINED [9-0-0]

YEAS: Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

3. ORDD-2023-8A : Ordinance 2023 #8A Amend Chapter 2.76 – Human Rights Commission
ORDD-2023-8A

RESULT: ORDAINED [9-0-0]

YEAS: Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

4. ORDD-2023-8B : Ordinance 2023 #8B Amend Chapter 14.04 – Fair Housing
ORDD-2023-8B

RESULT: NO ACTION TAKEN

Next: 12/4/2023 5:30 PM

5. An Ordinance has been received from City Clerk, relative to a Zoning Petition by the Cambridge City Council to amend Articles 2.000, 4.000, 5.000, and 23.000 of the Cambridge Zoning Ordinance for the purpose of allowing henkeeping 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.

ORD 2023 # 9

RESULT: ORDAINED AS AMENDED [9-0-0]

YEAS: Councillor Azeem, Councillor Carlone, Vice Mayor Mallon, Councillor McGovern, Councillor Nolan, Councillor Simmons, Councillor Toner, Councillor Zondervan, Mayor Siddiqui

6. An Ordinance 2023 #10 has been received from City Clerk, relative to the Municipal Code of the City of Cambridge be amended in Chapter 8.16.081, Leaf Blowers.

PASSED TO A SECOND READING IN COUNCIL NOVEMBER 6, 2023.

ELIGIBLE TO BE ORDAINED ON OR AFTER NOVEMBER 28, 2023.

ORD 2023 # 10

RESULT: NO ACTION TAKEN

Next: 12/4/2023 5:30 PM



CITY OF CAMBRIDGE
Community Development Department

IRAM FAROOQ
*Assistant City Manager for
Community Development*

SANDRA CLARKE
*Deputy Director
Chief of Administration*

To: Yi-An Huang, City Manager
From: Iram Farooq, Assistant City Manager for Community
Development
Date: November 15, 2023
Subject: Henkeeping Zoning Planning Board Report and Language Edits

Following the public hearings held by the Ordinance Committee and Planning Board, Community Development Department staff in consultation with the Law Department, Public Health Department, and Inspectional Services Department have prepared the attached text revisions to the Henkeeping Zoning Petition. The revisions are intended to improve clarity and consistency with other provisions in the Zoning Ordinance and with the authority of the Public Health Department to promulgate regulations. Edits are shown relative to the original Petition. Staff recommends substitution of the attached text before voting on adoption.

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. ~~An outdoor 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~~ any material, to allow access to the outdoors while preventing contact with pests, predators, and other bird species but remaining open to the outside air.

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, 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 above the mean grade of the ground adjoining the henhouse 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~~ in accordance with any additional design standards required by the Cambridge Public Health Department.
- f. A hen enclosure shall be built in conformance with all other applicable building, health, and safety laws, rules, and regulations.

1 * * * * *

2 (7:07 p.m.)

3 Sitting Members: Jim Monteverde, Steven Ng, Virginia
4 Keesler, Bill Boehm, and Thomas Miller

5 JIM MONTEVERDE: All right. Now. BZA Case 235827 --
6 117 Chilton Street. And we have a letter in the file from
7 -- this is the one I was looking for; the other case, Third
8 Street.

9 Give me one second, please. I'm looking for stray
10 pieces of paperwork. That's a continuing case. Does it say
11 it somewhere?

12 OLIVIA RATAY: Yes.

13 JIM MONTEVERDE: Right here?

14 OLIVIA RATAY: Yeah.

15 JIM MONTEVERDE: Sorry. One second. Doesn't ask
16 for a continuance. To vacate the cease-and-desist order.

17 SARAH RHATIGAN: Mr. Chairman?

18 JIM MONTEVERDE: Yep.

19 SARAH RHATIGAN: If I could assist, I'd be happy
20 to direct you to our most recent letter.

21 JIM MONTEVERDE: Yes. I'm confused because I was
22 in the office --

1 SARAH RHATIGAN: Sure.

2 JIM MONTEVERDE: -- the other day and --

3 SARAH RHATIGAN: Yeah. --

4 JIM MONTEVERDE: -- my understanding when I read
5 it --

6 SARAH RHATIGAN: there's a lot of paper in the
7 file --

8 JIM MONTEVERDE: -- it was continued.

9 SARAH RHATIGAN: It - this is a, sorry, for the
10 record Sarah Rhatigan Trilogy Law. I'm representing the
11 petitioners in this case, Susan, and Bob Filene. Yeah, so
12 September 25 --

13 JIM MONTEVERDE: Yep. Okay.

14 SARAH RHATIGAN: -- we sent a letter to -- yeah,
15 to the Board members --

16 JIM MONTEVERDE: Olivia --

17 SARAH RHATIGAN: -- requesting a continuance.

18 JIM MONTEVERDE: Olivia saved the day.

19 SARAH RHATIGAN: Okay, great.

20 JIM MONTEVERDE: So.

21 SARAH RHATIGAN: Thank you.

22 JIM MONTEVERDE: Let me back up. So we have a

1 letter in the file from Sarah Rhatigan asking for a
2 continuance of this case and continued until December 14,
3 2023. Do we have that? Okay.

4 So on the motion to continue, let me make a motion
5 to continue this matter until December 14, 2023 on the
6 condition that the petitioner change the posting sign to
7 reflect the new date of December 14, 2023 and the new time
8 of 6:00 p.m.

9 Also that the petitioner sign a waiver to the
10 statutory requirements for the hearing. This waiver can be
11 obtained from Maria Pacheco or Olivia Ratay at the
12 Inspectional Services Department.

13 I ask that you sign the waiver and return it to
14 the Inspectional Services Department by a week from this
15 coming Monday. Failure to do so will de facto cause this
16 Board to give an adverse ruling on this case.

17 Also that if there are any new submittal
18 information, changes to the drawings, dimensional forms, or
19 any supporting statements, that those be in the file by 5:00
20 p.m. on the Monday prior to the continued meeting date.

21 On the motion to continue this matter until
22 December 14, 2023, Bill?

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BILL BOEHM: In favor.

JIM MONTEVERDE: Thank you. Tom?

THOMAS MILLER: In favor.

JIM MONTEVERDE: Virginia?

VIRGINIA KEESLER: In favor.

JIM MONTEVERDE: Steven Ng?

STEVEN NG: In favor.

JIM MONTEVERDE: And Jim Monteverde in favor.

[All vote YES]

JIM MONTEVERDE: Continued.

SARAH RHATIGAN: Thank you very much.

JIM MONTEVERDE: Yeah, 6:00 p.m.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA.
(617) 349-6100

2023 SEP 26 PM 2:24
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Board of Zoning Appeal Waiver Form

The Board of Zoning Appeal
831 Mass Avenue
Cambridge, MA 02139

RE: Case # BZA-235827

Address: 117 Chilton Street

Owner, Petitioner, or Representative: Smah L. Rhatigan, Esq.
(Print Name)

hereby waives the required time limits for holding a public hearing as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A. The Owner, Petitioner, or Representative further hereby waives the Petitioner's and/or Owner's right to a Decision by the Board of Zoning Appeal on the above referenced case within the time period as required by Section 9 or Section 15 of the Zoning Act of the Commonwealth of Massachusetts, Massachusetts General Laws, Chapter 40A, and/or Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, codified as 47 U.S.C. §1455(a), or any other relevant state or federal regulation or law.

Date: 9/26/23

[Signature]
Signature

Ratay, Olivia

From: Abigail Lytton-Jean <aklytton@gmail.com>
Sent: Thursday, September 28, 2023 4:17 PM
To: Ratay, Olivia; suefilene@gmail.com
Subject: Fwd: Supporting Sue and Bob Filene & Chicken keeping in Cambridge

I received an out of office email from Mario and per the instructions I am forwarding this letter to you for tonights meeting.

Kind regards,
-Abigail

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

From: Abigail Lytton-Jean <aklytton@gmail.com>
Date: Thu, Sep 28, 2023 at 4:14 PM
Subject: Supporting Sue and Bob Filene & Chicken keeping in Cambridge
To: <Mpacheco@cambridgema.gov>
Cc: <suefilene@gmail.com>

Dear Mario and City of Cambridge,

I write in strong support of Sue Filene and Bob Filene on the subject of chicken keeping in Cambridge. For years Cambridge has talked about creating an ordinance to ensure that Chickens may be kept in a safe way. However Cambridge has done nothing beyond talk. Disappointingly, Cambridge yet again lags behind all of the neighboring townships - Somerville, Arlington, Brookline, Boston, Watertown, Belmont, Waltham - all of these townships have protection and guidance in place for keeping chickens.

Cambridge portrays a climate conscious progressive attitude but it does not follow through. Using urban spaces wisely to grow our own food, green roofs, reduce the use of chemicals, cooling the environment by embracing trees and native plants - all of these actions are part of an interlinked cycle that can reduce our carbon footprint on a personal level and having chickens is part of this interconnected cycle.

Sue and Bob Filene are picking up the ball that Cambridge dropped. They are working hard to push this ordinance through and Cambridge should embrace their effort. The Filenes should be seen as a model of how to do everything right, not punished with fines. It would be a disgrace if Cambridge penalized the very people who are doing the hard work to make much needed progress.

With strong support,

Abigail Lytton-Jean
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