

Karen Edwards

From: Michael Behrendt
Sent: Thursday, November 29, 2012 11:01 AM
Subject: chicken - perspective

To the PB, Ag Com, and Council,
fyi

Michael Behrendt, AICP
Director of Planning and Community Development
Town of Durham
15 Newmarket Road
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From: Carroll, John [REDACTED]
Sent: Thursday, November 29, 2012 10:06 AM
To: Michael Behrendt
Subject: perspective

Hi Michael,

In the discussion of chickens and other fowl in Durham, I can't help but wonder how many people, whether PB members or other residents, understand that they're not looking merely at someone's hobby (i.e., raising a few chickens) but at the very foundation of a food production system for our town to insure both nutritional health and food security for our residents.

Chickens (like pigs, and like composting) are foundational to a local food system in that they represent the necessary conversion of food waste and, as well, food we don't or can't eat, like grass or insects (including ticks) into direct food for our bodies (eggs and meat) and into the fertility of the soil which produces the lettuce, the carrots, the tomatoes, etc. which we enjoy.

I wonder, too, how many people realize how many of their neighbors are already raising chickens (in some cases for decades) in every zoning district in Durham, even the densest. And how many people in all those zoning districts know how many of their neighbors want to start raising chickens when the zoning ordinance changes, thus bringing into better balance the present high demand and limited supply of fresh eggs in the neighborhood.

Inevitably, we will have to live more locally. Food is at the very center of that local living. And chickens are the most efficient composters within the very foundation of local life.

John

Karen Edwards

From: Michael Behrendt
Sent: Monday, November 19, 2012 3:56 PM
Subject: Chicken in Durham

To the PB and Ag Com,
FYI.

Michael Behrendt, AICP

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From: <Sharp>, Erin <[REDACTED]>
Date: Tuesday, November 13, 2012 1:05 PM
To: Todd Selig <tselig@ci.durham.nh.us>
Cc: "Sharp, Andrew" <[REDACTED]>
Subject: Chicken in Durham

Dear Mr. Selig,

I hope that my email does not come too late to be included in tonight's discussion. We live at 20 Cowell Drive in Durham and would like to express our support of Durham residents being able to keep poultry in their yards. We moved to Durham a little over 3 years ago and have had the opportunity to watch our neighbors raise many chickens. We had to actually get to know our neighbors before we even realized the cute building that matched their garage was actually a chicken coop. We have never been concerned about the appearance, health issues, or noise. The chickens actually benefit our community. They bring neighbors together. They help our children become more educated about food sources and raising animals. They have allowed us the opportunity to have wonderful free eggs that come to us as a form of neighborly reciprocity.

We would like to support our Durham community members who keep poultry and may like to become one of those families in the future.

Thank you for your time,

Erin & Andrew Sharp

Erin Hiley Sharp, Ph.D.
Assistant Professor of Family Studies
University of New Hampshire
Pettee Hall, Room 202
55 College Road
Durham, NH 03824

chicken ordinance - keeping of hens

Michael Behrendt

Sent: Friday, November 30, 2012 9:10 AM

To the PB, Ag Com, TC,
fyi

Michael Behrendt, AICP

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From: Todd Selig

Sent: Monday, November 19, 2012 4:49 PM

To: Lori Hopkins

Cc: Michael Behrendt

Subject: Re: keeping of hens

Dear Ms. Hopkins,

Thank you very much for your email regarding this topic. We shall forward it along to the members of the Planning Board for their information and review.

Todd

Todd I. Selig, Administrator

Town of Durham, NH

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Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Lori Hopkins <[REDACTED]>

Date: Tuesday, November 13, 2012 11:22 PM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: keeping of hens

Dear Mr. Selig,

At the request of Jenna Roberts, my next door neighbor, I sent the following letter to Administrative Assistant Jennie Berry concerning the keeping of chickens. She also requested that I forwarded the letter to you, so I am doing so here.

Dear Ms. Berry,

I am writing to you, as I have been told that there is a decision coming up concerning the keeping of poultry on private property here in Durham.

I live adjacent to a family that has a small chicken coup on their property and raises hens for their eggs. I believe that they are very responsible and scrupulous with the care of their hens and I have been quite impressed and have enjoyed watching their young son help out and care for the hens. And of course, I love receiving a dozen eggs from them from time to time.

Best,
Lori Hopkins
4 Sauer Terrace
Durham, NH

Karen Edwards

From: Michael Behrendt
Sent: Thursday, November 15, 2012 11:09 AM
Subject: Poultry amendment - Remarks to Durham Planning Board

To the PB and Ag Com,
Remarks below from John Carroll.

Michael Behrendt, AICP

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From: Carroll, John
Sent: Thursday, November 15, 2012 8:53 AM
To: mbehrendt@durham.ci.nh.us
Cc: theresawalker@comcast.net; Selig, Todd
Subject: Remarks to Durham Planning Board

Remarks of John E. Carroll, Durham Agricultural Commission, to the Durham Planning Board, November 14, 2012

REMARKS of John E. Carroll to the Durham Planning Board and Town Planner:

I am John E. Carroll, 54 Canney Road, Durham. I'm a Member of the Durham Agricultural Commission but I do not represent the Durham AgCom in my remarks.

With respect to chickens, the requisite word is not "allow", as in "allowing chickens" in various zones. The requisite word is "encourage", to encourage the citizenry, the residents of Durham, to raise chickens, as a critical link in the important subject of food independence for the people of Durham.

The Durham Town Council has the goal of sustainability among its goals, and raising and maintaining chickens is an act of sustainability.

Further, the Town of Durham has long subsidized the sale of compost bins to property owners in the town. There is no more efficient or effective form of composting than to feed organic and food waste to chickens, getting eggs and meat in return.

And there's no better way to fertilize the soil, as well as to destroy disease-bearing ticks, than through the work of chickens.

Chickens, and the keeping and raising of chickens, has such high social value that, rather than collect a fee of \$250 to grant a variance to raise chickens (as the town has done), the Town should pay residents that \$250 if they are willing to raise chickens, thus benefitting all of us.

So, I hope you will do all in your power not simply to ALLOW chickens in all zones, but to ENCOURAGE chickens in all zones. People who raise chickens deserve our gratitude.

NOV 27 2012

- The Agricultural Commission (AC) seeks to amend Chapter 175-7, the definitional section of the Durham Zoning Ordinance, as well as the B section, Uses Accessory to Any Residential Use to permit the non-commercial raising and breeding of up to twelve poultry and game birds per lot every where in Durham, without restriction and requests the Planning Board to recommend these amendments to the Council.

I believe the proposed amendments are too broad in that they:

- Disregard the square footage and set back provisions of the existing ordinance
- Disregard long standing and unresolved complaints of interference with the quiet enjoyment of property from fowl/poultry alleged to attract predators, intimidate and chase children, stray into the road and onto neighboring property and are ever noisy
- Disregard meaningful redress for future complaints
- Substitute the AC for the zoning officer for complaints, investigation, supervision and mediation
- Insert standards such as Best Management Practices for Agriculture in New Hampshire as well as University of New Hampshire Cooperative Extension Housing and Space Guidelines into the Zoning Code
- Disenfranchise vested owners of unlimited poultry on presently conforming 120,000-foot lots

I believe that the requested outsourcing of zoning law and standards may well be beyond the scope of the Planning Board.

Where we are now:

Under the present Durham Zoning Ordinance, Chapter 175, 175-7, Definitions: any Durham lot dweller in any of the four residential areas, Rural, Residence A, B or C may engage in Animal Husbandry or the "breeding and/or raising of livestock or fowl for noncommercial purposes in conjunction with a residence," if the dweller complies with Ch.175-109 B, under Article XX Performance Standards:

1. Minimum lot size of 120,000 square feet of area;
2. No area or structure for housing, stabling or feeding of animals shall be located within 100 feet of any property line, and
3. No animals shall be pastured within 25 feet of any property line.

I assume the square footage and set-back requirements are the quid pro quo for the allowance of non-commercial animal husbandry in residential zones, where I note, there is no limit on the number of animals, again, I assume because of the square footage requirement.

Because the key words of chapter 175-7 are "in conjunction with a residence", no accessory animal husbandry is allowed in any of the five retail/commercial zones, including central business, professional office, church hill, court house and Coe's Corner. No animal accessory use is permitted in the research/Industry zone in the

Durham Business Park, but may be permitted through grant of conditional use in Office research zone 108, Multiunit dwelling Office research and Office research/light industry.

Where the Amendment would take us:

The amendment seeks to permit non-commercial animal husbandry - poultry and game birds in every one of the above thirteen zones, despite the fact that the category of the use is "Uses Accessory to any Residential Use", without minimum lot size, building and feeding and set-backs, nor any restrictions whatsoever. The amendment authorizes each lot occupier to erect a "chicken wire barrier, not to exceed 6 feet tall, utilizing a 1 foot side, front and rear setback" for "poultry and game bird owners required to contain their poultry and game birds." The width of the chicken wire barrier is not spelled out, but, I note the AC poultry - game birds category specifically includes chickens, ducks, geese, guinea hens, pheasants, pigeons, quail and turkeys, all of which fly.

Perhaps the example by way of Faculty Road best illustrates the potential results of the proposed amendments:

There are 26 or so homes opening onto Faculty Road with an average quarter acre lot size. The amendment allows each lot a maximum of 12 "animals"; assume 12 fowl (turkeys, guinea hens, chickens, ducks, pheasants, pigeons, quail, geese, of one type or in combination). The fowl "shall be kept away from the road, maintained on the subject property, and kept under the control of the owner. However, animals may be allowed onto neighboring property if the affected neighbor does not object."

Twenty-six houses each with 12 fowl is a street of 312 fowl with six-foot high chicken wire structures on each lot and the AC willing to "be responsible to investigate unreasonable noise complaints between the hours of 10:00 P.M. and 7:00 A.M. and resolve them if possible." I note the terms "unreasonable" and "if possible" and the fact that complaints do not go to the zoning officer; further, twelve of any fowl/poultry/game birds are likely to be noisy even if they are only reasonably noisy. The birds are unlikely to be contained on their lots, unlikely to distinguish the affable from the non-affable neighbors as they stray or fly to meet and greet other birds and likely to attract predators.

The central business and professional areas are even denser and the birds would have to be on the sidewalk although I don't know where the six-foot high chicken wire barriers would be. Ditto for church hill, Coe's Corner, courthouse and the remaining business and industrial zones...

I urge the Planning Board to vote against recommending these amendments to the Council because they are too broad.

Luci Gardner

Karen Edwards

From: Michael Behrendt
Sent: Monday, November 26, 2012 9:26 PM
Subject: chickens ordinance: two residents' emails expressing concern (2nd)

To the PB and Ag Com,
FYI

Michael Behrendt, AICP
Director of Planning and Community Development
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From: RMower [<mailto:rmowertc@gmail.com>]
Sent: Sunday, November 25, 2012 8:53 PM
To: Michael Behrendt
Subject: chickens ordinance: two residents' emails expressing concern (2nd)

Michael,

Would you please pass along this second of two residents' emails concerning the proposed "chicken ordinance" to the Planning Board prior to its meeting on Wednesday? I believe you did receive the it but am forwarding it for your convenience.

Robin

Robin Mower, Town Councilor
Durham, NH
rmowertc@gmail.com

* * *

From: Tom Johnson <tjohnson@ci.durham.nh.us>
Date: Friday, July 20, 2012 12:15 PM
To: "M. Greer Solomon" <mgreer@ci.durham.nh.us>
Cc: Todd Selig <tselig@ci.durham.nh.us>
Subject: Re: 30 pinecrest lane livestock/poultry zoning violations

We have sent out violation letters to 4 properties on Pinecrest and Denbow roads. They were given 90 days to correct the violations. You can check with our office staff to verify the addresses if needed.

Sent from my iPhone

On Jul 20, 2012, at 11:40 AM, "M. Greer Solomon" <[REDACTED]> wrote:

Dear Tom:

I am writing as a decade-plus owner of 30 Pinecrest Lane, Durham, NH to add my voice to that of other neighbors' who have recently communicated with you to express our concerns about the many houses in our neighborhood where people are keeping chickens, ducks and geese with blatant disregard for applicable zoning requirements, as well as their neighbors' lawns, rights to enjoy undisturbed use of their own property, degrading resale values, and safety. In the past our area of Pinecrest Lane (the circle) has had problems with an abundance of foxes, raccoons, coyotes, fishercats and even bears, who sometimes have visited the decks, garages, roofs and front stoops of our home or our neighbors', and at least a few were found deceased, most likely of rabies. This was a very disturbing problem with no easy solutions, as no governmental agency would investigate or eliminate any of these animals who threatened our pets and children. There was a fox den near our property where for several years we saw multiple kits born each spring. After several years nature took its course and the populations happily resolved to a more manageable occasional visitor. Now with all the delicious live food sources available, I am concerned these predators will again surge. I understand that you have been provided with a list of addresses where these violations are known to exist, and thank you for any assistance you can provide in resolving these problems.

Sincerely,

Melissa Greer Solomon

[REDACTED]
[REDACTED]

Karen Edwards

From: Michael Behrendt
Sent: Monday, November 26, 2012 9:27 PM
Subject: chickens ordinance: two residents' emails expressing concern

To the PB and Ag Com,
FYI.

Michael Behrendt, AICP

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From: RMower [<mailto:rmowertc@gmail.com>]
Sent: Sunday, November 25, 2012 8:52 PM
To: Michael Behrendt
Subject: chickens ordinance: two residents' emails expressing concern

Michael,

Would you please pass along this first of two residents' emails concerning the proposed "chicken ordinance" to the Planning Board prior to its meeting on Wednesday? I believe you did receive the second one but will forward immediately it for your convenience.

Robin

Robin Mower, Town Councilor
Durham, NH
rmowertc@gmail.com

* * *

From: Mary Caldwell <marycaldwell@ci.durham.nh.us>
Date: Saturday, June 16, 2012 12:39 AM
To: Todd Selig <tselig@ci.durham.nh.us>
Subject: Contain the Ducks or Make Peking Duck?

I was pleased to see this reminder in a Friday update almost a year ago:

**OWNERS OF CHICKENS AND DUCKS - A REMINDER FROM
THE ZONING OFFICER**

Zoning Officer Tom Johnson would like to remind residents who own chicken and ducks to please have them penned. Section 175-109B "Accessory Animal Husbandry" of the Town's Zoning Ordinance requires that:

1. The lot on which the use is located shall have a minimum lot size of one hundred twenty thousand (120,000) square feet of area.
2. No area or structure for the housing, stabling, or feeding of animals shall be located within one hundred (100) feet of any property line.
3. No animals shall be pastured within twenty-five (25) feet of any property line.

It was the topic of much supportive conversation on my road. Unfortunately, the ducks at 1 Pinecrest don't read and the humans seem unconcerned. The ducks still wander freely on Durham Point Road, Sunnyside Drive, and Pinecrest Lane. The problem is worse as they chase cars, bikes, animals, and people. The owners make jokes about it but parents don't find it funny. One girl took a tumble into a patch of poison ivy while trying to escape the pests and was very upset about the "adult" who laughed about it. She has stopped riding her new bike because of it. I may be the only one complaining to you but there are others who share my frustration. Please take steps to rid us of the nuisance.

It also seems to be the fashion to keep chickens in residential areas but let them run loose during the day. I am acquainted with several Durham families in different sides of town who have explored the cost to fence in their yards to keep out the neighbors' chickens. Maybe we should be grateful that the bison aren't free-range yet...

Another polite reminder wouldn't hurt but how about some enforcement?