



BOARD OF APPEALS  
Jesse Geller, Chairman  
Christopher Hussey  
Jonathan Book

# *Town of Brookline*

## *Massachusetts*

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. 2015-0033  
OWNER: SHERI & ELI GUROCK

Petitioner, Sheri Gurock, applied to the Building Commissioner for permission install an accessory chicken coop at the side of the single-family home located at 44 Amory Street. The application was denied and appeal was taken to this Board.

The Board administratively determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals, and fixed July 16, 2015 at 7:00 p.m. in the Selectmen's Hearing Room as the time and place of a hearing for the appeal. Notice of the hearing was mailed to the Petitioner, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board, and to all others required by law. Notice of the hearing was published on July 2, 2015 and July 9, 2015 in the Brookline TAB, a newspaper published in Brookline. A copy of said notice is as follows.

### **Notice of Hearing**

Pursuant to M.G.L., C. 40A, the Board of Appeals will conduct a public hearing at Town Hall, 333 Washington Street, Brookline, on a proposal at:

**44 AMORY ST – INSTALL AN ACCESSORY CHICKEN COOP in an SC-7, Single-Family and Converted for Two-Family, residential district, on July 16, 2015, at 7:00 PM in the 6<sup>th</sup> Floor Selectmen’s Hearing Room (Petitioner/Owner: GUROCK ELI & SHERI) Precinct 1**

The Board of Appeals will consider variances and/or special permits from the following sections of the Zoning By-Law, and other zoning relief if needed:

- 1. Section 4.07: Table of Use Regulations, Use #57**
- 2. Section 5.43: Exceptions to Yard and Setback Regulations**

*Hearings may be continued by the Chair to a date/time certain, with no further notice to abutters or in the TAB. Questions about hearing schedules may be directed to the Planning and Community Development Department at 617-730-2130, or by checking the Town meeting calendar at: [www.brooklinema.gov](http://www.brooklinema.gov).*

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in Town programs and services may make their needs known to **Robert Sneider**, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2328; TDD (617)-730-2327; or email at [rsneider@brooklinema.gov](mailto:rsneider@brooklinema.gov).*

*Jesse Geller, Chair  
Christopher Hussey  
Jonathan Book*

**Publish: July 2, 2015 & July 9, 2015**

At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Board Chairman Mark G. Zuroff and Board Members Johanna Schneider and Avi Liss. The petitioner, Sheri Gurock of 44 Amory Street, presented project details to the Board.

Ms. Gurock waived a reading of public hearing notice for the record and stated that she is seeking permission to install an accessory chicken coop on her property. The coop will be six feet by eleven and one half feet and will be constructed off site. Two specific issues require

relief. The proposed coop location is within 100 feet of an abutting residential structure at 36 Amory Street and within 100 feet of a public way (Amory Street). Ms. Gurock stated that the residential abutter within 100 feet did submit a letter in support of the proposal to the Board.

Board Chairman Zuroff questioned why the applicant wishes to install an accessory chicken coop. Ms. Gurock stated that her family intends to use fresh eggs produced by the chickens. Additionally, Ms. Gurock's children will learn about food production, animal care, and the public permit/licensing process.

Board Member Schneider questioned how many chickens the applicant intends to keep and if the eggs produced will be used for personal use only. Ms. Gurock confirmed that the proposed coop dimensions can house up to ten chickens but she only intends to keep five. No eggs will be sold.

Board Chairman Zuroff requested that the applicant further describe proposed counterbalancing amenities as required for the requested setback relief. Ms. Gurock confirmed that a cypress tree has already been planted between the proposed coop location and Amory Street, and evergreen shrubs will be installed between the coop and the abutting 36 Amory Street structure. The proposed location itself is not easily visible and will be further screened as a result of these landscape features.

Board Chairman Zuroff also questioned the level of noise produced by five to ten chickens. Ms. Gurock stated that chickens do not generate a significant level of noise. The coop

will be entirely roofed and provides interior space for the chickens. A run area is also provided so the chickens will not have free range beyond the six foot by eleven and one half foot area. The coop will not house any roosters.

Board Member Zuroff called for public comment in favor of, or in opposition to the applicant's proposal.

Mary Gurock, of 44 Amory Street, supported the proposed coop and stated that raising chickens provide a positive learning and responsibility experience. Ms. Gurock was also excited to collect eggs as they become available.

No members of the public spoke in opposition of the proposal.

Board Chairman Zuroff requested that Jay Rosa deliver the findings of the Planning Board and the Building Department.

**FINDINGS**

**Section 4.07 – Table of Use Regulations, Use #57**

No stable or enclosure for chickens may be less than 100 feet from any existing residence buildings located on abutting properties, regardless of the zoning district. Additionally, no enclosure located in an SC zoning district may be less than 100 feet from the street, nor contain more than 25 animals.

The Director of Public Health of the Town of Brookline may also impose additional restrictions as to the number of animals on the premises and the location/size of the enclosure.

**Section 5.43 – Exceptions to Yard and Setback Regulations**

<b>Dimensional Requirements</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief Required</b>
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<b>Coop setback from existing residential buildings on adjacent parcels</b>	100 feet	n/a	Approx. 35.5 feet (36 Amory St.)	Special Permit*
<b>Coop setback from Amory Street</b>	100 feet	n/a	Approx. 66.5 feet	Special Permit*

*\* Under Section 5.43, the Board of Appeals may waive yard and/or setback requirements if counterbalancing amenity is provided.*

Mr. Rosa Mr. Rosa stated that the Planning Board unanimously supported this chicken coop proposal. The coop is minimally visible from surrounding properties and complies with preservation commission design guidelines. The only abutting residential property within 100 of the coop has submitted formal support. Appropriate landscaped screening has already been installed and the petitioner intends to work with the abutter at 36 Amory Street if further counterbalancing amenity is required. The applicant has also been highly responsive feedback provided by various town boards.

Therefore, the Planning Board recommended approval of the site plan and coop dimension details submitted by Jeremiah Gallant, dated 6/29/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan including all counterbalancing amenities, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) a Certificate of Appropriateness issued by the Brookline Preservation Commission; 3) Documentation of any further restrictions imposed by the Director of

Public Health; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Mr. Rosa suggested, after conferring with the Building Commissioner, that an architectural site plan provides sufficient setback information for this proposal and a full site survey is perhaps unnecessary as an imposed condition.

The Building Department also has no objection. Setback relief for this particular accessory use is provided through By-Law Section 5.43 if appropriate counterbalancing amenity is provided. If the Board finds that the standards for special permit relief are met the Building department will work with the applicant to ensure compliance with imposed conditions and any code issues.

The Board deliberated on the merits of special permit relief as requested. Board Member Liss was in favor of the proposal and believed that the standards for special permit relief are clearly met. Mr. Liss stated that this is a wonderful proposal and commended the applicant for incorporating animal care and public process experience for her children. Board Member Schneider agreed that the proposal before the Board is worthwhile and also commended the applicant for focus on animal care and food systems/production. Board Chairman Zuroff concurred with these comments and noted that appropriate counterbalancing amenity is provided for the requested setback relief. Board Members also supported the modification of proposed conditions 1 and 2 to require the submission of a final architectural site plan rather than a final site plan that is certified by a registered land surveyor.

The Board voted unanimously that the requirements have been met for the issuance of a special permit under **Sections 5.43** and **9.05** of the Zoning By-Law, granting relief from the provisions of **Section 4.07, Use #57** of the Zoning By-Law.

Accordingly, the Board voted unanimously to grant special permit relief, subject to the following revised conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final architectural site plan that includes all counterbalancing amenities, coop dimensions, and the coop setback from all property lines, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final architectural site plan stamped and signed by a registered architect; 2) a Certificate of Appropriateness issued by the Brookline Preservation Commission; 3) Documentation of any further restrictions imposed by the Director of Public Health; and 4) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous decision of the

Board of Appeals

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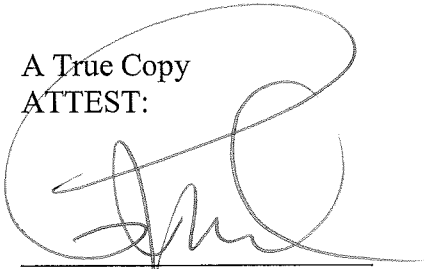
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7/22/15

Mark G. Zuroff, Chairman

A True Copy  
ATTEST:



Patrick J. Ward  
Clerk, Board of Appeals