

## Zoning by law amendment

Submitted by Nathan Shpritz

To see if the Town will amend the Zoning By-Law as follows:

- 1) Revise Table 4.07 – Table of Use Regulations, Accessory Use 57, Accessory Uses Column striking out the words “or the keeping of bees” as shown struck out in the complete paragraph:

57. The keeping of horses, cows, goats, or other similar animals, other than pigs, or the keeping of poultry, pigeons, rabbits, or other similar birds or animals, ~~or the keeping of bees,~~ provided that no stable or enclosure for any animal may be less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, SC, T, F or M District; and provided that no stable or enclosure for more than four animals may be less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in a S, SC, T, F or M District may be less than 100 feet from a street, nor contain more than 25 animals on the premises, and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline.

- 2) Add to Table 4.07 – Table of Use Regulations, Accessory Use 57A the following:

Accessory Uses:

57A. The keeping of bees, provided that no hive may be less than 20 feet from any window, door, or other opening in any structure on any other lot; and further provided that no hive be within six feet of any lot line or placed in a location visible from the street; and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline. No beehive shall be placed upon a lot nor retained on a lot without a current permit provided by the Director of Public Health of the Town of Brookline.

This new Accessory Use will be permitted in every zoning district.

Accessory Uses	Residence						Business		Ind.
	S	SC	T	F	M	L	G	O	
57. The keeping of horses, cows, goats, or other similar animals, other than pigs, or the keeping of poultry, pigeons, rabbits, or other similar birds or animals, <del>or the keeping of bees,</del> provided that no stable or enclosure for any animal may be less than 100 feet from any existing residence building on other premises in any district, or any obvious residence building site on other premises in an S, SC, T, F or M District; and provided that no stable or enclosure for more than four animals may be less than 100 feet from any premises occupied by a church, school, playground, library, or building of a public or eleemosynary institution, except where that distance is intersected by a street at least 60 feet wide; and further provided that no stable or enclosure in a S, SC, T, F or M District may be less than 100 feet from a street, nor contain more than 25 animals on the premises, and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Accessory Uses	Residence						Business		Ind.
	S	SC	T	F	M	L	G	O	
<u>57A. The keeping of bees, provided that no hive may be less than 20 feet from any window, door, or other opening in any structure on any other lot; and further provided that no hive be within six feet of any lot line or placed in a location visible from the street; and subject to such restrictions as to number, and as to location and size of special structures and enclosures, as may be imposed by the Director of Public Health of the Town of Brookline. No beehive shall be placed upon a lot nor retained on a lot without a current permit provided by the Director of Public Health of the Town of Brookline.</u>	<u>Yes</u>								

Or act on anything else thereto.

## **WARRANT ARTICLE EXPLANATION**

Our neighboring communities of Boston, Cambridge and Somerville have implemented new policies to support and encourage urban agriculture among their residents and businesses. The keeping of bees and hens were included in all three municipal's policies. Chickens should be discussed at greater length, but honeybees are an immediately supportable and positive addition to our local environment. Foraging from one to five miles from their hives, they pollinate flowers, fruits and vegetables, and would likely improve all of our gardening efforts.

The current zoning bylaw creates a building based restrictive zoning hurdle to overcome for resident beekeepers. There are few residential zoning districts in Brookline where 100 feet of distance exists between any part of one person's yard and a neighboring home. With the demise of the Brookline Tab, it can cost approximately \$1000 to comply with the requirement publish the date of a ZBA hearing. Following ZBA approval, the current bylaw provides for the Director of the Department of Public Health to approve any resident application to place a beehive upon their property. This is where the oversight belongs. The proper administration of beekeeping licenses should reside entirely within the Department of Public Health where no more work would be required than is required today to review an application.

## Town of Brookline Requirements For the Keeping of Animals and Bee's

Town of Brookline Public Health Department and Building Department (zoning regulations) have regulations and standards for the Keeping of Animals and Bee's in the town. These standards are designed to address Health, Safety and adopted Community Standard in the community. Applications in residential areas of the town have specific concerns.

- Applications are obtained from the Public Health Department
  - Applications requires sign off from Building Department (form provided by Health Department)
    - Application includes Plot Plan (to scale)
    - Pest Management Plan
    - Manure Management Plan
    - Emergency Disaster Plan
    - Building Department Approval
    - Zoning Board Approval (if applicable)
    - Abutter Notifications – for Public Hearing (completed by Health Department)
    - Any Additional Requirements for Specific Species (Poultry, Bees, Pigeons, Horses, Swine etc.)
    - Permit Application Fee (fee rate pending)
- 

Examples of conditions established for permit issuance:

Chickens:

- Limit of 12 chickens (no roosters).
- An enclosed pod and pen for chickens must be constructed as outlined in submitted plans. Panned area may be chicken wire. The Panned area must be covered over the top. Chickens will be restricted to the pod and enclosed pen at all times.
- Feeding of birds shall occur only in the pod and pen. Manure must be cleaned up regularly and composted in an approved composting environment or otherwise disposed of in a sanitary manner. If disposed of offsite department must approve of location.
- Maintain good hygiene practices after contact with chickens.
- Report sick chickens to Brookline Health Department (617-730-2300) and Massachusetts Department of Food and Agriculture Division of Animal Health (617-626-1792) immediately. Report any animal attacks on chickens to Brookline Health Department.
- The pest control management plan must be submitted as a permit condition.
- As part of the Keeping of Animals permit the Health Department will perform routine, unannounced inspections to ensure compliance with these permit conditions.

Bees:

- The beehive structure must comply with all applicable zoning bylaw requirements.
- Parcel is limited to 2 beehives. Bees must be maintained in moveable-frame hives situated at least 4 inches off the ground to allow ventilation, limit pests, and reduce bottom entrance obstructions. The

entrance of the beehive must be oriented to face the opposite direction of the nearest abutting property.

- Only non-aggressive honeybee (*Apis Mellifera*) species are permitted.
- A constant and adequate water source must be provided on site at all times. The water source should be drained and refilled periodically to prevent mosquito larvae growth and nuisance conditions.
- In the event of nuisance complaints regarding low flight paths of bees through abutting properties, the property owner is advised to install a reasonable physical structure to influence the bees to take a higher flight path as they enter and exit the beehives.
- Hives must be registered with Massachusetts Department of Agricultural Resources. Beekeeping operations must comply with all applicable regulations, inspections, and permitting standards as required by state law.
- The primary beekeeper must demonstrate to the Director of Public Health completion of a beekeeper training course with the Norfolk County Beekeeping Association or another training resource approved by the Director. Membership and active participation with the Norfolk County Beekeeping Association is recommended.
- If the property owner also serves as the primary beekeeper, an equally qualified beekeeper must be designated to maintain hive operations and respond to all nuisance complaints and other emergencies during any periods of extended absence or vacation by the property owner.
- An operations and emergency plan must be submitted to the Director that describes in detail:
  - a. Physical set-up and location of hives.
  - b. Routine hive maintenance and integrated pest management (IPM) procedures.
  - c. Corrective actions to be taken under potential nuisance conditions resulting from aggressive or objectionable bee behavior.
  - d. Planned response to possible acute damage to hive and swarm suppression measures. Contact information for qualified personnel to be contacted to assist during swarming and emergency scenarios must be included.
- The Brookline Health Department may reasonably conduct unannounced inspections of beekeeping facilities to ensure compliance with the aforementioned conditions and respond to any nuisance complaints.
- Must be willing to comply with any future regulations promulgated by the town of Brookline as they relate to the keeping of bees.
- It is recommended that the applicant update their homeowner's insurance policy to cover beekeeping activities.