

A civics lesson before Easthampton Zoning Board: Children's four chickens win pet status

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COURTESY STEVE LORENZ

Finnegan Lorenz, 8, and his sister Sylvan, 10, hold one of their chickens at home in Easthampton recently.

EASTHAMPTON - In the end, these four chickens seemed more like pets than poultry.

Ten-year-old Sylvan Lorenz started to cry as she addressed the Zoning Board Tuesday night.

'How would you feel if you were told your pets were illegal and might be taken away?' said Sylvan, of 37 Cherry St, reading the words out of her notebook. 'When we first heard our pets were illegal we were sad, but we decided we would do whatever we could to save our pets. That is why we are here tonight. I want the town of Easthampton to be the best it can be, and not allowing people to love and care for their pets is not helping.'

She thanked everyone in the conference room, which was filled with neighbors, for listening. Lorenz's mother, Justine Johnson, put her arm around her sobbing daughter's shoulder, pulled her close, and whispered in her ear, 'Just take a deep breath, sweetie.'

The family of four brought five chicks into their Cherry Street home four months ago. The chicks were one day old, made little 'peep' sounds, and were given names. There was Froney, the jester of the coop; Guinevere, the pretty bird; Gurley, the big and bold hen; Mabel, the gentle one; and Carmelo, to whom the family said farewell after discovering he is a rooster who could disturb neighbors. But, despite a July letter from the zoning enforcement officer ordering the chickens' removal, the family refused to say farewell to the others, at least, without putting up a fight.

'Our children are going to be extremely disappointed if their pets are taken away,' said Justine Johnson, whose 8-and 10-year-old kids hand-raised the hens since their arrival. 'And we are going to be extremely disappointed in the city of Easthampton, which we have called home for nine years.'

A neighbor, who was told she could not have chickens of her own, notified Zoning Enforcement Officer Joseph Fydenkevez Jr. about the Lorenzes' chickens. Fydenkevez wrote a letter to Steven Lorenz and Justine Johnson stating that they violated Section V of Easthampton Zoning Bylaw. Keeping a small flock (25 maximum) of poultry or other farm animals is not permitted in their zoning district, R-10, according to Table 5-1 of the Easthampton Table of Use Regulations.

'I personally have had a real issue with how the wording in the bylaw makes a distinction between livestock and pets,' said David Gardner, of the Zoning Board. 'There are no definitions in the bylaws for these terms. What's a farm animal? Dogs live on farms. Are they farm animals, too? I disagree that a chicken is always a farm animal. I think it can be a pet.'

The order for removal was sent after Christopher and Carrie Hague, of 51 Mount Tom Ave., filed a complaint to the Zoning Board. Carrie Hague said she changed her mind about wanting chickens after the zoning enforcement officer told her about problems they cause. Chickens act violently, fly away, and attract coyotes, bears, and bobcats, as well as diseases brought on by lice, mites, ticks and worms, she added.

'This is a residential area and it's not zoned for farm animals,' Christopher Hague said in a telephone interview before the hearing. 'My biggest concern is, if they're going to ask for hens then what's next? Are they going to ask for goats? Are they going to ask for mules? It can be endless. If they want to have farm animals they can move out farther in the country and have a farm.'

Johnson said the breed of chickens the family has is gentle and was chosen for that reason. The birds' wings are clipped so they will not fly over the fence, she added. Lorenz said there are four family members to take care of four pets, reducing the risk of violence and disease.

John Gnatek, whose home is next to the Lorenzes', said there are more problems with cats and dogs in the neighborhood than chickens.

'I don't have any problems with chickens,' said Jeannette Gnatek, of 41 Cherry St. 'As far as I can imagine, there could be someone next door having 10 rabbits and I'd have no say. I don't see the problem with four chickens at all.'

Mark Renaud, chairman, told the board to consider both the species and the manner of purpose for which the animal is maintained.

'My concern about the eggs is, would there be more chickens,' said Nicole LaChapelle, vice chairwoman of the board.

Johnson said the hens are still too young to lay eggs, but once they do the eggs will be eaten. The eggs are a component of the children's home education plan, which was approved by the School Committee, Johnson said.

'If they're going to eat the eggs they're not pets. We don't really subscribe to this, 'they're my pet but we're going to eat their delicious eggs.' That's not going to fly,' said Christopher Hague, whose grandfather worked on a farm in Tennessee. 'I've lived on a farm, and if I wanted to be on a farm I'd be on a farm.'

The Board of Health made a recommendation to oppose the chickens, but provided no justification for doing so, Renaud said.

When all was said Tuesday night, the Zoning Board overturned the building commissioner's decision to remove the four chickens at 37 Cherry St. by 5-0. LaChapelle made a secondary motion to limit the number of pet hens on the property to four. All other members - Mark Renaud, David Gardner, Christine Clark and Christine Haigney - approved LaChapelle's motion.

'It feels really good (to keep the pets),' Sylvan Lorenz said after the hearing. 'I learned a lot about the zoning board, too.'

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