

## ADVISORY & FINANCE COMMITTEE

The following meeting of the Advisory & Finance Committee has been posted and will be held

**At:** Plymouth Town Hall - Mayflower II Meeting Room  
11 Lincoln Street, Plymouth, MA 02360

**On:** Wednesday, August 31, 2016 at 7:00PM

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*Items on the agenda will include but are not limited to the following.*

*Other discussion may include items that were not reasonably anticipated by the Chairman 48-hours in advance of the meeting posting.*

### Call to Order

### Announcements

### Public Comment

### Fall Town Meeting Articles

- Article 32: Treat Weed – Billington Sea Michael Leary, Petitioner
- Article 33: Poultry Bylaw Amanda Crouch-Smith
- Article 35: Easement – off Wareham Rd Sam Viscariello, Petitioner
- Article 36: Noise Bylaw Richard Mulcahy
- Article 37: Sr Property Tax Rate Cap Keven Joyce, Petitioner

### Old/New/Other Business

- Sub-Committee & Committee Liaison Updates

### Public Comment

### Adjournment

*Next Meeting: Wednesday, September 7, 2016 at 7PM in the Mayflower II Meeting Room – Town Hall*

FALL ANNUAL TOWN MEETING WARRANT  
October 15, 2016

**ARTICLE 32:**

To see if the Town will vote to raise and appropriate the sum of \$13,500.00 for the purpose of treating the weed at Billington Sea or take any action relative thereto.

BY PETITION: Michael T. Leary et al.

# 2017 treatment program

## Brief history

The Billington Sea Town Brook Watershed Association Was founded in 1971 for the betterment of the Billington Sea the Pond and Town Brook which is fed by Billington Sea. The association is a 501 C 3 charitable organization and maintains liability Ins. and has about 50 active members.

## Pond history

Billington Sea was a mesotrophic Pond that turned eutrophic in the late 1960s the Town of Plymouth in the 70s commissioned a study known as the Gale report done by Gale associates to study the possible causes and solutions, the cost of the solutions however were too costly being dredging or soil reversal . Sense then the Association has been battling the effects of a eutrophic Pond which are algae and weed problems.

## Treatment History

The town of Plymouth in the late 70s did a weed treatment program to control the weed elodea sense then the association and the Town have done joint algae treatments in the 1980s and a harvesting program in the 1990s. More recently in 2012 the association did a weed treatment program with a product called Sonar the same as this article. The association approached Town meeting to pay the town's share of the cost. The association's belief then as now is that the residents own 55% percent of the property on the Pond and the Town owns the remaining 45% the 2011 town meeting then agreed with us and past that article with only eight descending votes.

## 2012 Treatment

The treatment program went as planed we came to agreements with the Department of Marine Fisheries and heritage regarding the Herring and the Tidewater Mucket an endangered species. There was no take with regards to the Tidewater Mucket and we achieved the three year systemic value from the treatment as suspected.

# Fluridone (Sonar<sup>®</sup>)

March 2000

## Fact Sheet

Environmental Health Programs  
Office of Environmental Health & Safety



**F**luridone is an aquatic herbicide used to control common nuisance plants like pondweed and watermilfoil. It is not equally effective at killing all water plants and has been used in Washington to selectively remove certain nuisance weeds. It is absorbed by the leaves, shoots and roots of vascular plants and kills susceptible plants by inhibiting their ability to form carotene, a substance which plants need to maintain essential levels of chlorophyll. Damage in susceptible plants usually appears in 7-10 days after water treatment.

Fluridone is the active ingredient in Sonar<sup>®</sup> and comes in two formulations: pellets (Sonar SRP) and liquid concentrate (Sonar A.S.)

The initial rate of application recommended by Sonar labels is quite dilute and varies depending on the size of pond or lake, density of weeds, and susceptibility of targeted weeds. Control of watermilfoil in Washington is often accomplished with rates as low as 10-20 parts per billion (ppb).

### **Environmental Persistence**

Fluridone is moderately persistent in water and sediments following treatment of a pond

or lake. Field tests have shown that the average half-life in pond water is 21 days and longer in sediments (90 days in hydrosol). Residues may persist longer depending on the amount of sunlight and the water temperature. Fluridone is primarily degraded by sunlight and microorganisms.

### **Health Impacts**

Laboratory animals (mice, rats, dogs) fed fluridone in their diets showed little signs of toxicity even when fed levels which far exceed potential human exposure from use of Sonar. Fluridone is not considered to be a carcinogen or mutagen and is not associated with reproductive or developmental effects in test animals.

There is no EPA standard for maximum allowable concentration (MCL) of fluridone in public water supplies. For the purpose of Sonar product registration, EPA determined that 150 ppb is an acceptable level for potable water following Sonar use. This level provides a 1000-fold safety factor between the no effect level in experimental animals and the estimated human exposure via drinking water.

## Common Questions

### *Can I use treated lake water for drinking?*

The Sonar label prohibits application to water within 1/4 mile of functioning potable water intakes unless the treatment rate is 20 ppb or less. Estimated human exposure from daily consumption of water with 20 ppb of fluridone is 10,000-fold less than the no effect level in test animals. People who wish to avoid even minimal residues can do so by filtering their drinking water with a charcoal-based filter.

### *Can I swim and fish in treated water?*

There are no swimming or fishing restrictions associated with fluridone treatment. Fluridone does not significantly bioaccumulate or biomagnify in fish. Consumption of fish from treated water does not pose a threat to human health.

*Can fluridone leach into groundwater wells, which are shallow and close to a treated water body?* Fluridone tends to bind to organic matter and should not leach into groundwater from aquatic sediments. Fluridone shows a limited ability to leach if applied to soil.

### *What about the other ingredients in Sonar?*

"Inert" ingredients included in formulations of fluridone are confidential. DOH was permitted to review the list of inerts in Sonar and concluded that these chemicals are not of human concern at applied concentrations.

*Can I use treated water for watering domestic plants?* For information about susceptibility of specific plants, consult the product label or contact the manufacturer. According to the manufacturer, Sonar used at the maximum-labeled rate (150 ppb) may affect domestic plants, especially plants in the *Solanaceae* family (tomato, potato, eggplant, peppers etc.). More dilute concentrations are unlikely to affect domestic plants. Again, a charcoal-based filter will remove fluridone residues from water.

## Need More Information?

### Please Contact:

- Your county health agency
- Washington State Department of Health Pesticide Program (360)236-3360
- Washington State Department of Ecology Water Quality Program (360)407-6563
- Sepro is the company which manufactures Sonar products. Material Safety Data Sheets and current copies of Sonar labels are available by calling 1-800-419-7779 or at the Sepro website [www.sepro.com/aquatics/sonar/index.html](http://www.sepro.com/aquatics/sonar/index.html)
- Additional copies of this fact sheet can be obtained from:  
Office of Environmental Health & Safety  
P.O. Box 47825  
Olympia, Washington 98504-7825  
Tollfree: (888) 586-9427

FALL ANNUAL TOWN MEETING WARRANT  
October 15, 2016

**ARTICLE 33:**

To see if the Town will vote to amend Chapter 23 of the Bylaws of the Town of Plymouth to add: ARTICLE 5 Poultry.

**§23-28 DEFINITIONS**

For the purposes of this article, the following terms shall have the meanings indicated.

Poultry means domesticated birds including chickens, turkeys, ducks, geese other than wild species, guinea, fowl, pheasants, and pigeons of any age and any size. Chickens: male (roosters) and females (hens & meat birds).

**§23-29 RESTRICTIONS OF ROOSTERS AND POULTRY**

- A) No rooster shall be permitted on a property less than 2 acres, and
- B) Properties may have no more than 6 poultry per  $\frac{1}{4}$  acre, and no more than 4 poultry for property less than  $\frac{1}{4}$  acre.

**§23-30 MANURE STORAGE**

A ventilated, watertight storage facility constructed of concrete or other durable materials for the storage of poultry waste shall be provided and so located as to promote regular removal of manure from any premises housing poultry.

**§ 23-31 VARIANCE PROCEDURES**

- A) Variance request must be submitted in writing to the Plymouth Board of Health for consideration and a properly advertised public hearing.
- B) For a variance to be considered, abutters within a 200 foot radius of coop and run must be notified by Certified Mail, Return Receipt requested, 10 days prior to the variance hearing.

or take any action relative thereto.

BY PETITION: Lynn Holdsworth et al

**Sample of Town Chicken/Roster Restrictions**

Town	Roosters	Chickens	Notes
Barnstable	1 if not agricultural property. Rooster may not at any time annoy another person's reasonable right to peace or privacy by making loud or continuous noise where such noise is plainly audible between 7:00 a.m. - 7:00 p.m. at a distance of 150 feet from the premises where the rooster is kept, or between 7:00 p.m. - 7:00 a.m. at a distance of 50 feet from the premises where the rooster is kept, or when noise is continuous > 10 minutes.		
Bourne	None < 2 acres	4/ ¼ acre; 2 for < ¼ acre	Additional regs re: coops, manure, and feed
Cohasset	Yes, with special permit and neighbor consent	Up to 11 without permit	
Foxborough	No if less than 2 acres without permit	None if less than 1 acre	Additional regs re: coops, manure, and feed
Grafton	No	Female chicks and hens (no roosters) for personal consumption and enjoyment. Limited to six (6) per lot, and must be physically contained within a dedicated space of...at minimum rate...four (4) square feet per hen. Special permit for more.	
Kingston	Must be R20 or greater	Must be R20 or greater	
Lancaster	No	Up to 6 for non-commercial use. Special	

		permit required – must have .9 acres or more	
Marblehead	Requires license	Requires license	Additional regs re: coops, manure, and feed
Milford	No	No	
Pittsfield	No	No	
Reading	No	yes	
Rockland	No	Yes, with permit. 24 per henhouse. Also enclosure and henhouse 20 feet from a public way, 50 feet from a dwelling or commercial building, and 50 feet from a property line.	Additional regs re: coops, manure, and feed
Sharon	No permit shall be granted for the keeping of domesticated animals or fowl whose type, breed, or gender is known to create loud or objectionable noises unless it can be shown that such domesticated animal will be kept at all times in a location no less than 1000 feet from the lot lines of the applicant. No roosters are permitted.	10 on 30,000 or < feet with permit	Additional regs re: coops, manure, and feed
Stoughton	Requires 35000 sq ft lot	Requires 35000 sq ft lot	
Uxbridge	No person shall keep or allow to be kept any number of domestic animals which shall constitute a nuisance	Registered and treated as livestock. No person shall keep or allow to be kept any number of domestic animals which shall constitute a nuisance	
Yarmouth	License required – will be denied if abutters complain of noise	License required	Additional regs re: coops, inspections, manure, feed, and fees

## Chapter 63

### RIGHT TO FARM

[HISTORY: Adopted by the Annual Town Meeting of the Town of Plymouth 10-26-2009 by Arts. 22 and 23]

- § 63-1. Legislative Intent.
- § 63-2. Definitions.
- § 63-3. Right to Farm Declaration.
- § 63-4. Disclosure Notification.
- § 63-5. Dispute Resolution.
- § 63-6. Agricultural Committee.
- § 63-7. Severability Clause.

#### Section 1 Legislative Intent

The purpose of this Article is to restate farm protections that already exist in state law so they are understood and implemented at the local level.

This Right to Farm ByLaw does not seek to change state laws, but to bring them together into one local bylaw to enhance local understanding of the right to farm. The Right to Farm Bylaw also encourages the pursuit of agriculture, promotes agricultural based economic opportunities, and protects farming in the Town of Plymouth by allowing agricultural uses and related activities to function in minimal conflict with abutters and town agencies. The Bylaw shall apply to all jurisdictional areas within the Town.

The benefits and protections of this Bylaw are intended to apply exclusively to those agricultural operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this bylaw shall be deemed to authorize the acquisition of any interest in land, or to impose any land use regulations, which actions are properly the subject of state statute, regulations, or local zoning law or vote of Town Meeting.

#### Section 2 Definitions

 The word 'farm' shall include any parcel or contiguous parcels of land or water bodies containing at least 5 acres used for the primary purpose of agriculture, or accessory thereto.

The words "farming" and "agriculture" or their derivatives shall include, but not be limited to, the following:

- Cultivation and tillage of the soil
- Dairying

- Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities
- Growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- The raising and keeping of horses
- Raising and keeping of livestock including poultry, swine, cattle, ratites (such as emus and ostriches) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including bees and furbearing animals

“Farming” shall encompass activities including but not limited to:

- Operation and transportation of slow-moving farm equipment over roads within the Town
- Control of pests, including but not limited to insects, weeds, predators and disease organism of plants and animals
- Application of manure, fertilizers and pesticides
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmers’ market or farm stand including signage thereto;
- Maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations

### Section 3 Right to Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Plymouth. The above-described agricultural activities may occur on holidays, weekdays and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general.

### Section 4 Disclosure Notification

Within 30 days after this by-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall, on the official Town Website, and make available for distribution the following disclosure:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by agricultural operations including the ability to access water for such property under certain circumstances.”

#### Section 5 Dispute Resolution

Any person having a complaint about a farm or farming activity or practice about a farm or farming activity or practice is encouraged to seek an amicable solution through resolution directly with the owner or operator of the farm at issue. Such person may also, notwithstanding the pursuit of other available remedies, file such complaint with the Board of Selectmen. The Board of Selectmen will forward the complaint to the Agricultural Committee, or other appropriate board or officer, and request that recommendations for resolution be provided within an agreed upon timeframe.

#### Section 6 Agricultural Committee

For the purpose of this section, the term “agriculture” shall include but shall not be limited to the production of crops, livestock, horticulture, aquaculture, the keeping and boarding of horses or livestock for personal or commercial purposes, forestry, nurseries, greenhouses, and related activities.

The Agricultural Committee shall

- Serve as facilitators for encouraging the pursuit of agriculture in Plymouth
- Promote agricultural based economic opportunities
- Act as advocates, educators and/or negotiators on agricultural issues
- Work for the preservation of agricultural lands
- Pursue all initiatives appropriate to creating a sustainable agricultural community
- Encourage early and effective resolution of farm related disputes

The Committee shall consist of seven members appointed and may be removed by the Board of Selectmen. Four members shall be actively engaged in farming, and three members shall be at-large. Members shall serve staggered three-year terms, with two of the initial members serving three-year terms, two serving two-year terms, and three serving a one-year term.

Section 7 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the By-law. The Town of Plymouth hereby declares the provisions of this By-law to be severable.

# Roosters versus residents at Plymouth meeting

Friday

Posted Aug 12, 2016 at 3:00 PM

Two things are clear: More and more people in Plymouth are raising chickens - mainly for the eggs - and the patience of neighbors living in close proximity to roosters is wearing thin.

By Frank Mand  
fmand@wickedlocal.com  
@frankmandOCM

PLYMOUTH – It was a big cock-a-doodle to-do at the Board of Health this past Wednesday as aggravated residents got a chance to air their grievances about the town's lack of effective rooster regulations.

Based on the comments of audience members two things are clear: More and more people in Plymouth are raising chickens – mainly for the eggs – and the patience of neighbors living in close proximity to roosters is wearing thin.

Case in point, Norm Galvin, a retired truck driver who lives in West Plymouth.

Galvin told the board that the rooster/manure problem in his neighborhood near West Elementary School is “beyond anything you can imagine.

“It’s going to get ugly on my street real fast if something isn’t done about the situation,” Galvin said, then graphically described the smell, the noise, and the anger.

Lynn Holdsworth, who lives in another section of town, described a similar scenario.

“I live in close proximity to a property that has a multitude of animals,” Holdsworth said. “Turkeys, ducks, geese, hens, roosters – I counted 18 birds at one point in time – and this is on a quarter acre parcel of land that backs up to other parcels that are about the same size.

“It’s tight quarters. We are a beach community, not an agricultural community. We moved into this neighborhood to be by the water to smell the salt air, to be able to kick back and relax at the end of the day.

“What we are getting are instead are wafts of manure, roosters crowing 24/7, ducks that quack and squawk, turkeys that gobble, and this is what we listen to on a daily basis!”

The offending property's owner, Emerson Carpenter, interrupted Holdsworth to argue that the problem was being exaggerated, that he had tried to appease neighbors by making certain changes, but that none of his neighbors had ever knocked on his door and explained their concerns.

"Nobody has ever come to my home and talked to me directly, come to my house and said, hey these chickens are bothering me," Carpenter said.

"I've had the Board of Health, the dog officer, at 5 o'clock in the morning had the police knocking on my door."

Perhaps, Carpenter suggested, if he had heard directly from neighbors he could have addressed their concerns. Instead, he said, "they're making me look like a bad person."

Plymouth resident Steven Hall, who raises chickens for the eggs and has no roosters, told the board that he would prefer that the board not create new regulations but, rather, that they enforce disturbing the peace regulations or issue fines for noise complaints.

In the past some residents with complaints about chickens and roosters have been told that, as a "Right to Farm" community, there was nothing the town could do about residents raising animals on their property.

Agriculture Committee Vice Chairman Patti Striar, who offered herself as a liaison between the two committees, told the Board of Health the "Right to Farm" protections don't apply here.

In Plymouth properties under 5 acres do not fall under the protections of the "Right to Farm" regulations, Striar explained, and she suggested that the best way to handle the situation would be through the police.

"These are clearly neighbor disputes," Striar said, "and I think they can be handled much more simply. These are noise complaints, like a barking dog or an all-night party, and should be handled that way."

Striar added that if anyone had real concerns for how livestock, of any kind, was being treated, then they should go first to the Board of Health, and if the board's inspectors are denied access to the animals the issue should be referred directly to the MSPCA.

If the animals aren't being mistreated, however, there seemed little opportunity for the board to intervene.

At present, board members said, there are no chicken/rooster regulations. You don't have to get a license to raise chickens. If you acquire chickens you don't have to inform neighbors or prospective home buyers.

“There is no regulation and really not much that we can do,” Board of Health Chairman Richard Manfredi said. “In the future we could try and develop some kind of bylaw, but that’s going to take time. As it currently stands, we really have no control over it, none at all.”

Attorney Richard Serkey, at the meeting for a later hearing, came forward to suggest the town take two specific actions: 1) ask for the selectmen to create a special committee with the purpose of crafting a special bylaw; 2) have staff meet with all parties and try to mediate a solution.

The board took Serkey’s and others’ suggestions under advisement. In other words, the squawking will continue.

*Follow Frank Mand on Twitter @frankmandOCM.*

# For some neighbors, roosters are something to crow about



JIM KUSMIERSKI

**The No-Crow Rooster Collar fits around a bird's neck and is designed to restrict air flow enough to prevent loud crowing. The Plymouth Board of Health is considering recommending its use to resolve a neighborhood dispute.**

**By Johanna Seltz** | GLOBE CORRESPONDENT AUGUST 12, 2016

Sarah Nagle of Plymouth has about 20 horses, a bunch of chickens and ducks -- and a raucous rooster who is driving her closest neighbor crazy.

“He’s not loud all the time, but he does crow at four o’clock in the morning,” Nagle

Comments  
Unfortunately for her neighbor, that distance isn't far enough, which is why the town's public health director has gotten involved in the crowing crossfire.

Michelle J. Roberts said the dispute is one of about a half-dozen or more rooster complaints she fields each year -- all part of what she calls a growing and inevitable collision of suburban life and rural livestock.

How communities handle the conflict varies wildly.

Plymouth, for example, regulates stables, but has no rules on the books regarding chickens or roosters.

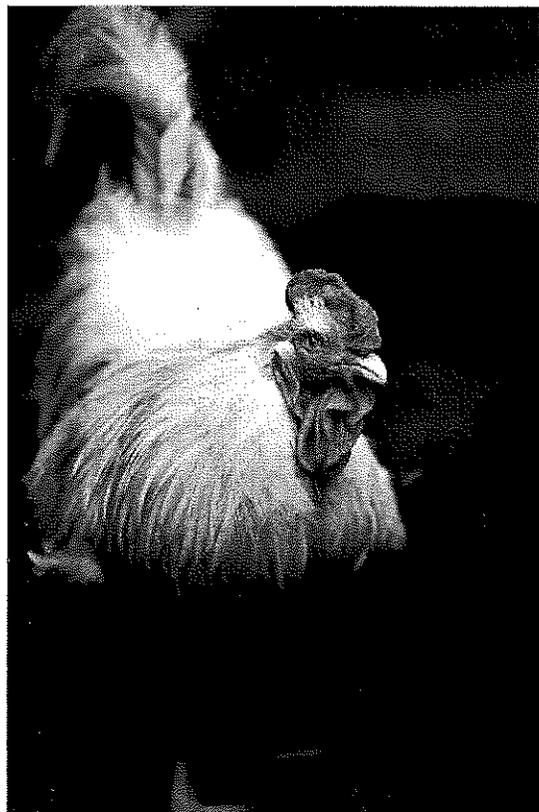
The town of Sharon bans roosters outright.

In Cohasset, the Board of Health issues permits for roosters -- but only after the owner gets all the neighbors' permission in writing. And for those who thwart the rules, the consequences are severe: a \$50 fine per day.

Back in 2014, one rooster owner on Nichols Road faced a \$1,400 fine and court action before he finally backed down and gave the crowing critter, Mr. Roo, to the MSPCA's Nevins Farm in Methuen.

"As the fine kept going up, he realized we were serious," said Paul Murphy, the animal control officer for both Cohasset and Norwell, where he estimates there are more than 400 chickens altogether and a handful of roosters.

"Eventually we resolved it to the satisfaction of the neighbors, which is our goal -- to keep the neighbors happy," Murphy said.



JONATHAN WIGGS / BOSTON GLOBE STAFF

**A rooster at Holly Hill Farm in Cohasset.**

Residents of Bridgewater were decidedly unhappy earlier this year when their Board of Health proposed livestock rules that limited the number of animals by acreage; one rooster would need two acres, for example.

More than 150 people showed up at a hearing in June to protest, and the board backed down.

“It started with a complaint about somebody’s rooster, and they decided to do rules for all animals. It was a terrible mistake,” said George Rosenfield, who grew up in Bridgewater and remembers when there were several dozen dairy farms in town. While those are gone, he said, many in town still keep a few animals, especially horses and chickens.

Rosenfield has had various animals on his three-acre property -- he currently has five pygmy goats -- and said animal complaints should be handled like any other neighborhood dispute: by “talking and working it out, not by coming out with all these regulations.”

He pointed to a man in town who had bees and found out his next-door neighbor had a bee allergy. So the man moved his hive to the other end of the property, Rosenfield said.

John Dougherty, who owns Briggs Stable in Hanover and is advising the Bridgewater officials as a member of the Massachusetts Association of Boards of Health executive committee, agrees that common sense discussion is the best approach. He’s heard of rooster owners making peace with sleep-deprived neighbors, for example, by keeping the birds inside a dark coop till a decent time after sunrise.

By contrast, “one of the things that have come up in the past few years is some boards of health have been overbearing in their regulations and, in effect, attempt to micromanage agricultural operations,” he said.

For example, he said the town of Hingham sets the number of animals allowed per acre and classifies animals as units -- 10 chickens is a unit, for example, as are two swine and seven rabbits. But the rules don't reflect the specifics of individual situations, such as the density of a neighborhood or quality of a facility, he said.

"It's rather arbitrary and capricious," Dougherty said. "It deters people from trying to own animals."

Marcia Benes, executive director of the Massachusetts Association of Boards of Health, said animal issues are "always one of the more fraught activities that boards regulate because it can range from neighbor squabbles over roosters -- which boards try to stay out of -- to the serious problems of animal hoarding, which is an animal welfare and a health issue for people."

"There's a difference between the public health law definition of a nuisance and common English law definition of a nuisance," she added. "Sometimes quarrels between neighbors are things that need to be resolved with either a handshake or court action."

In Plymouth, the Board of Health and Agricultural Committee are working together to broker a solution to the rooster disputes that have cropped up this year.

Plymouth is one of more than 160 communities in Massachusetts that have "Right to Farm" bylaws protecting agricultural activities on farms larger than five acres, and, like many of those towns, has formed a committee to handle any conflicts.

In Plymouth, the hope is that a relatively new contraption called the No-Crow Rooster Collar will do the trick.

Two Michigan backyard chicken owners, Lauren Taylor and James Kusmierski, developed the collar when they decided to breed their exotic chickens and wanted to have both roosters and good relations with their neighbors. Kusmierski said they've sold more than 10,000 of the patented device in the last few years.

The band of <sup>Comments</sup> mesh and Velcro comes in five sizes and fits under the feathers around the rooster's neck. The theory is that the collar prevents roosters from expelling the contents of their air sacs all at once -- cutting down the volume of the crowing.

The collars sell online from [www.mypetchicken.com](http://www.mypetchicken.com) for \$22.95.

Attachable bow ties, in black or red, are available for another \$12.

"It's really a blockbuster product; it's changed the lives of chicken keepers everywhere," said Traci Torres of My Pet Chicken.

Torres said that most of the people buying the collars end up with roosters by accident. She said her company sells about 350,000 chicks a year and, while they're sold as males or females, "we make customers aware that [sexing chicks] is an art and not a science and there is no guarantee of accuracy."

Cindy Prentice, executive director of Holly Hill Farm in Cohasset, said she gets calls "all the time" from people trying to unload once-cute chicks that have turned into nasty, noisy roosters. For the record, Holly isn't accepting any.

"You can only have one rooster per coop, and we have [two coops] and two roosters -- one very old and beautiful, and one that's really crabby and attacks people," she said.

Plymouth officials also are grappling with whether the Board of Health or Agricultural Committee should even be worrying about crowing complaints.



JIM KUSMIERSKI

**A Michigan couple has come up with a collar -- bow tie optional -- that keeps roosters from crowing loudly and allowing the critters to coexist with human neighbors.**



JONATHAN WIGGS / BOSTON GLOBE STAFF

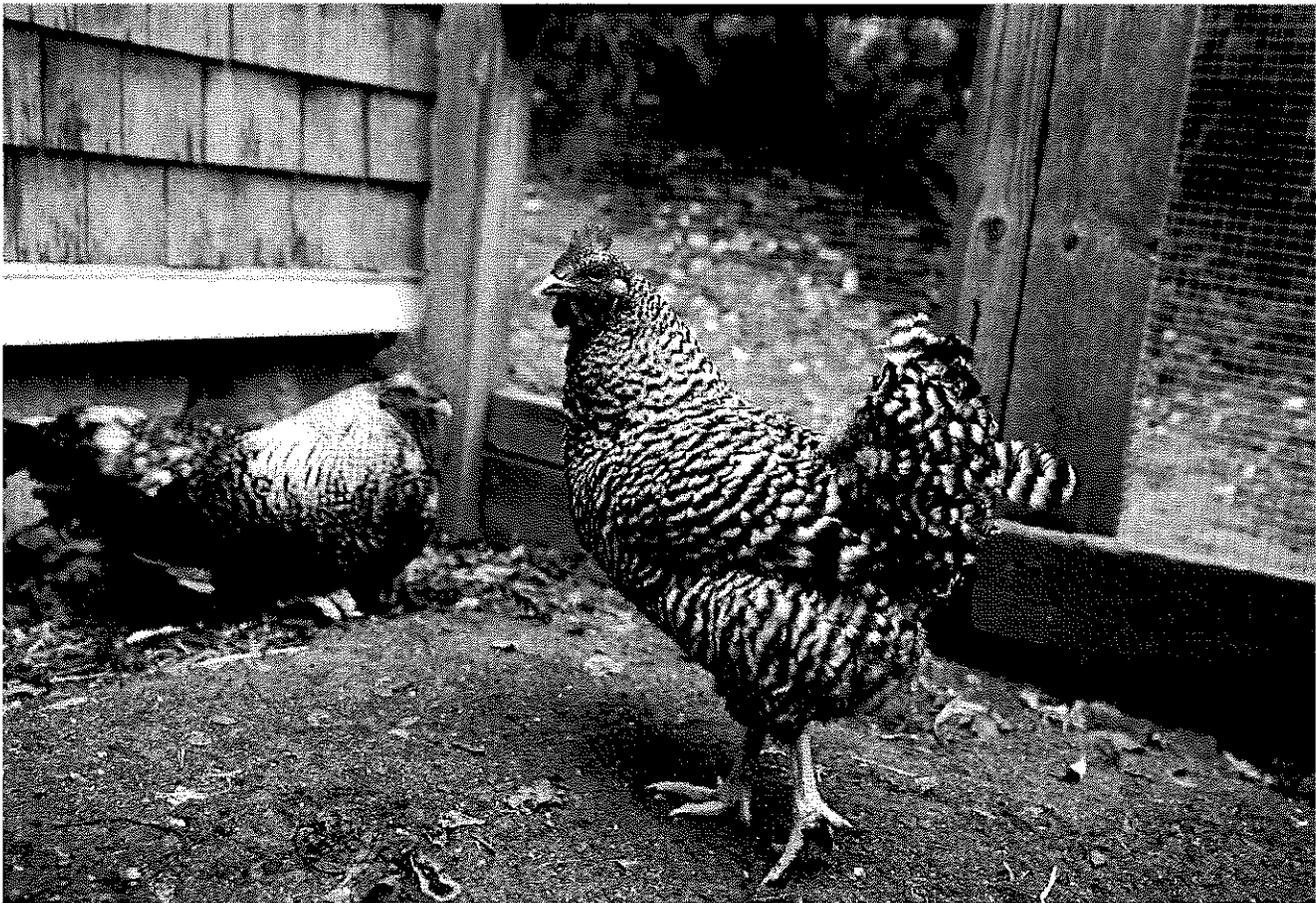
**Holly Hill Farm executive director Cindy Prentice with one of the farm's roosters.**

“Personally I think it should be handled like any noise complaint,” said Steven Striar, a member of the Board of Health whose wife, Patti, is on the Agricultural Committee. “If there is dog barking in the middle of the night or somebody is having a big party, you call police. It should be the same for roosters.”

Striar said he didn’t want to “minimize the impact on the people who are suffering” from early morning or all-day loud crowing. And he encouraged people to be considerate of their neighbors.

He added that in the half-dozen years that his family has had chickens on their small horse farm, he only ended up with one rooster. And there weren’t any issues with annoying noise, he said.

“I dispatched it,” he said. “Roosters aren’t very good to eat, but we put it in a pot for stock.”



JONATHAN WIGGS / BOSTON GLOBE STAFF

**Roosters at Holly Hill Farm.**

2 of 5 free articles. [Subscribe now](#)

PLYMOUTH

# Plymouth looking to curb rooster crowing

By **John Laidler** | GLOBE CORRESPONDENT JULY 29, 2016

Complaints about barking dogs are common in most suburban communities, but in Plymouth the cacophony of another animal has become an issue of concern.

The Board of Health at its Aug. 10 meeting plans to discuss with the town's Agricultural Committee about how to address complaints from residents about rooster crowing in town.

"We have a lot of roosters here and many of them start crowing at four in the morning and disturbing the peace -- it's a nuisance to neighbors," said Michelle J. Roberts, the town's public health director.

Roberts said the number of complaints has been growing, reflecting a rise in the chicken population in town. She said the board hopes to find a solution that does not require banning roosters.

"We are a rural town," she said. "We have lots of animals. We have 56 stables. We have many chickens and ducks. People love animals here in Plymouth. There are a lot of farms."

Members of the public are welcome to offer their input on the issue at the Aug. 10 meeting, which will be held at 9:30 a.m. in the Mayflower Room in town hall.

*John Laidler can be reached at [laidler@globe.com](mailto:laidler@globe.com).*

# Towns deal with crowing problems

**Saturday**

Posted Aug 9, 2014 at 6:00 AM Updated Aug 9, 2014 at 10:47 PM

**Share**

By George Barnes TELEGRAM & GAZETTE STAFF

A Carlisle firefighter allegedly may have gone to extremes in dealing with a noisy rooster recently, but the problem is common enough in some communities that regulations have been enacted to deal with it.

Longtime Carlisle Firefighter Frank Sargent has been charged with 11 counts of malicious killing of a domestic animal for allegedly poisoning a neighbor's noisy rooster, and killing 10 chickens along with it.

Published reports indicated the rooster had been bothering him for two years.

A similar situation in Uxbridge last year was resolved without loss of life when noisy roosters were ordered removed by a court after a determined effort by the Board of Health.

Denise Delannoy, administrative assistant to the Uxbridge Board of Health, said that after receiving complaints from neighbors, the board issued several letters to the bird owner over seven years hoping to get the noisy fowl removed.

"The letters didn't work," she said.

Finally, the case was taken to court, where it was ruled the owner had to get rid of the roosters.

When the Uxbridge Health Department hears someone is planning to raise chickens in a backyard, it tells the person not to keep roosters.

"You run into it more and more," Ms. Delannoy said.

Chickens can be a problem for neighbors, mainly because of manure smells and because the animals get loose in neighboring yards, but roosters can be a bigger problem.

"Those animals crow around the clock," she said.

Ms. Delannoy speaks from personal experience. She said she had a neighbor who was raising chickens but ended up with roosters, which would crow day and night. The roosters were removed after she started calling her neighbor every time a rooster would crow, even early in the morning.

It is a growing problem because it is a growing interest. Backyard poultry has been promoted in the state for many years, and chickens and sometimes roosters have been finding their way into neighborhoods, with mixed results.

In many communities the issue becomes a question of the right of residents to farm. There are 16 communities in Worcester County where a right-to-farm bylaw was approved, including Rutland.

In Rutland, Leroy "Skip" Clark has a few roosters along with chickens and other farm animals he raises at Ketonen Clark Farm and Feed.

"We have some running around all the time," he said. "People like seeing them."

Mr. Clark said he has never had complaints about his roosters, even if the animals tend to strut around and crow loudly when they have a mind to. He said people who have objections to farms should understand the nature of the community they live in.

"We have a right to farm in town," he said.

Rutland takes pride in being a rural "right-to-farm" community. On major roads coming into town signs are posted announcing the fact. Right-to-farm laws were passed in communities to make it clear to people moving in that farms come with certain smells and sounds that might not be found in other types of communities.

Mr. Clark said the state regulates how much space farmers must provide for their chickens, but his are often free to run around the farm, as long as they don't wander off the property.

Communities have a variety of ways to deal with noise complaints. In Lancaster, roosters are banned, but a homeowner may keep up to six chickens on a .9-acre plot. Chickens are allowed on larger plots, but town Animal Control Officer Phyllis Tower said the rules were changed in part to allow children in 4-H to raise chickens.

"It's easier to have chickens than other animals on a small plot of land," she said.

Ms. Tower said she has few animal noise complaints in town. When she does, she tries to work with the two parties to resolve the issue. As with any animal complaint, if the problem cannot be resolved, it could end up in court.

Lancaster is a right-to-farm community but has some restrictions on farm animals to help prevent neighborhood problems. Ms. Tower said there are rarely such problems with animals on regular farms in town.

In Grafton, Inspector of Buildings Robert Berger, who is also the town's zoning enforcement officer, said farm-animal complaints mainly involve roosters, chickens and goats. He said the town recently added an accessory use under its zoning allowing backyard chickens in three zones where six chickens and no roosters can be kept. To have more poultry than that, homeowners

need a special permit from the Planning Board. Under the special permit process, he said, the issue of noise and proximity to neighbors would likely be discussed in an effort to prevent conflicts.

Mr. Berger said that although roosters are prohibited without a special permit, homeowners sometimes end up with them.

"If they have backyard chickens and they don't get their eggs sexed before they hatch, one of them could grow up to be a rooster," he said.

The difficulty for small farmers often is that once the animals are hatched, they are seen as pets and it is difficult for owners to part with them. Unfortunately, there is little choice if there is a complaint.

"Once that rooster comes and there is a complaint, we have no choice," Mr. Berger said.

The first step is to ask the owner to remove the rooster. If that becomes a problem, the issue could go to court. Mr. Berger said so far he has not taken any rooster owners to court.

"It's been close," he said.

Leominster Health Agent Christopher Knuth also has first-hand experience in the racket roosters can make. He said he once took a motorcycle tour of Cambodia and was staying the night in a village on a hill. About 3 a.m., a rooster crowed. A little while later a rooster across the way called out, then another. It kept up all night, coming from all directions of the compass. He didn't get any sleep.

"It was like surround sound for me, so I can understand it can be bothersome for people," he said.

Leominster has an ordinance that prohibits residents from keeping screeching or biting birds in the city. That is interpreted to mean no roosters are allowed. There is also an ordinance that regulates where chickens can be kept. Although chickens do not generate many noise complaints, the city has had to field complaints about their manure, which smells like ammonia.

Mr. Knuth said his office does not field many animal-noise complaints. It receives barking dog complaints, but aggressive animals are a greater concern for residents. He said he also gets many calls about cats defecating on lawns.

One of the most recent animal noise complaints was somewhat unusual. Mr. Knuth said a resident complained that a neighbor had two cockatiels on an outside porch making loud noises.

"I have to check that out," he said.

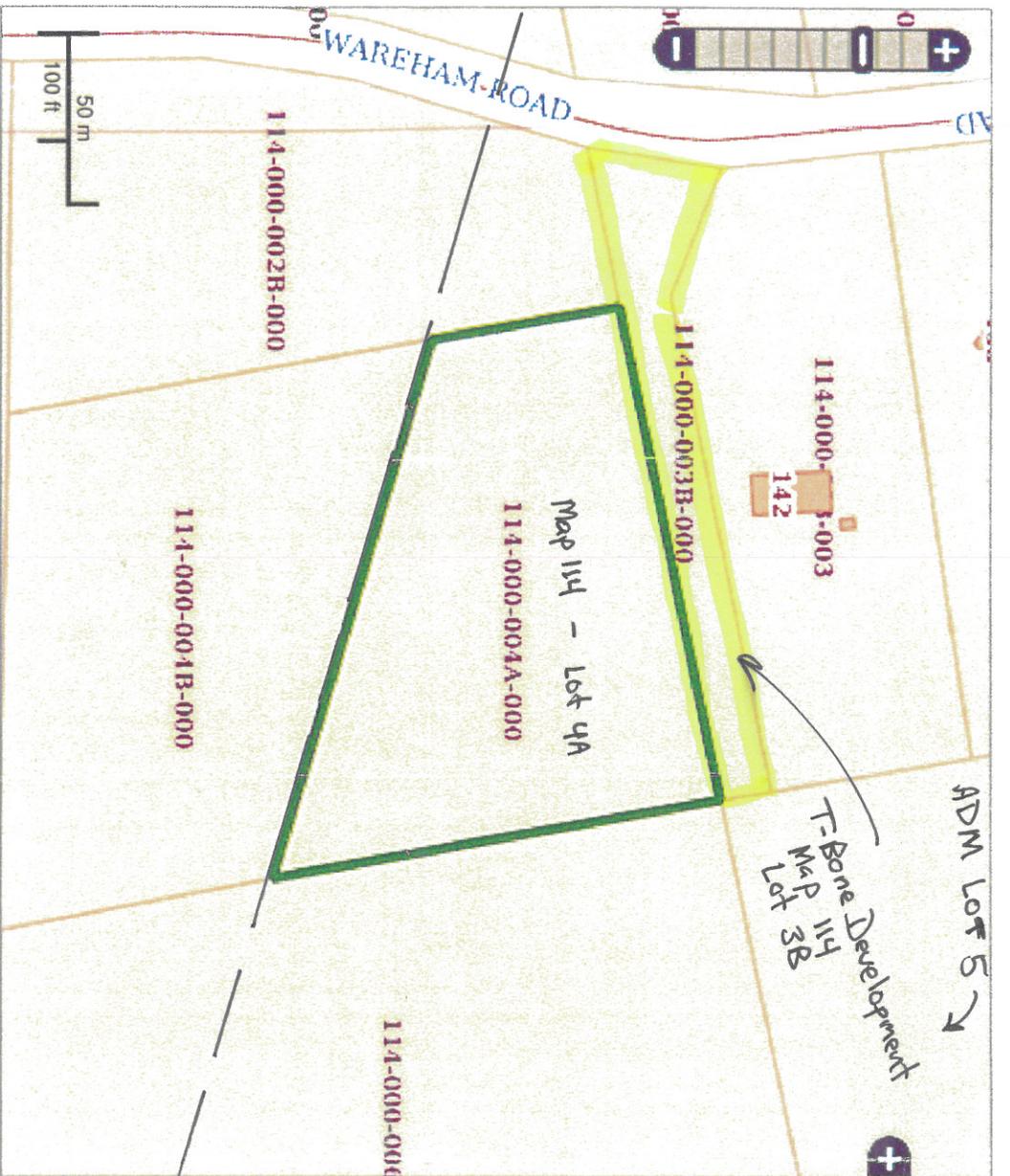
*Contact George Barnes at [george.barnes@telegram.com](mailto:george.barnes@telegram.com). Follow him on Twitter @georgebarnesTG*

FALL ANNUAL TOWN MEETING WARRANT  
October 15, 2016

**ARTICLE 35:**

To see if the Town will vote to grant an access easement over parcel: 114-000-002B-000 appurtenant to parcel: 114-000-004A-000 or take any action relative thereto.

BY PETITION: Salvatore Visariello et al



The Town of Plymouth makes no claims, no representations and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and/or GIS products furnished by the Town, including the implied validity of any uses of such data. Parcel lines are graphic representations only.

Parcel ID: 114-000-004A-000

Address: OFF WAREHAM RD

Owner: 136 MAIN STREET  
INC

Owner: Theresa A. Fariss  
May Flower Development

Apartment  
Great Sullivan Lot

Deed 18370  
Pg 151-152

plan Book  
411, 325A

FALL ANNUAL TOWN MEETING WARRANT  
October 15, 2016

**ARTICLE 36:**

To see if the Town will vote to Amend the bylaw on noise by adding Part D Section 120-1 to read "That all public establishments performing live entertainment must keep shut all exterior windows and doors of any kind closed as not to disturb residents or business" or take any action relative thereto.

BY PETITION: Thomas Bruce et al

Chapter 120

NOISE

§ 120-1. Persons occupying or having charge of premises.

§ 120-2. Persons present at location where noise originates.

[HISTORY: Adopted by the Annual Town Meeting of the Town of Plymouth 4-11-1988 by Art. 20. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems -- See Ch. 14.

Animals -- See Ch. 23.

Disorderly conduct -- See Ch. 51.

Hawkers, peddlers and transient vendors -- See Ch. 85.

Parades and special events -- See Ch. 127.

Vehicles and traffic -- See Ch. 185.

§ 120-1. Persons occupying or having charge of premises. [Amended 6-28-1993 STM by Art. 6; Amended 4-10-2001 by ATM Article 31]

- A. It shall be unlawful for any person or persons occupying or having charge of any building, structure, vehicle or premises or any part thereof in the town to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of 150 feet from the building, structure, vehicle or premises in which or from which it is produced.
- B. The fact that the noise is plainly audible at a distance of 150 feet from the building, structure, vehicle or premises from which it originates shall constitute prima facie evidence of a violation of this section.
- C. Any person violating this section shall be punished by a fine of \$50 for each offense.

§ 120-2. Persons present at location where noise originates. [Amended 4-3-1993 STM by Art. 15]

- A. It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance, or any part thereof, to

cause or suffer or countenance any loud, unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of 150 feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which it is produced.

- B. The fact that the noise is plainly audible at a distance of 150 feet from the premises from which it originates shall constitute prima facie evidence of a violation of this section.
- C. Any person shall be deemed in violation of this section who shall make, or aid or cause or suffer or countenance or assist in the making of, the aforesaid and described improper noises, disturbance or breach of the peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of this section shall constitute prima facie evidence that he or she is a countenancer to such violation.
- C. Any person violating this section shall be punished by a fine of \$50 for each offense.

**§ 120-3. Commercial Construction etc. [Amended 4-7-1999 ATM by Art. 33]**

No commercial construction, demolition, repair, paving or alteration of buildings or streets or excavation shall be conducted between the hours of 7:00 p.m. and 7:00 a.m., except with the approval of the Board of Selectmen. Anyone who violates this by-law shall be subject to a fine of \$300, each day to constitute a separate occurrence. This by-law may be enforced through non-criminal disposition by any Police Officer of the Town of Plymouth.

This bylaw shall not apply to emergency activities of Town, County, State or Federal agencies or to emergency activities conducted by public or private utilities.

FALL ANNUAL TOWN MEETING WARRANT  
October 15, 2016

**ARTICLE 37:**

To see if the Town will vote a **Senior Resident Property Tax Rate Cap**. The seniors of Plymouth are being taxed out of their homes. The property tax rate has increased nearly seventy (70) percent in the last eight (8) years. Seniors on a fixed income can no longer afford to live in "America's Home Town." The eligible recipient will have his/her Property Tax Rate capped at the rate established by the town as of July 1<sup>st</sup>.of the year of eligibility. Or take any other action relative thereto... Eligibility requirements listed below: **Must** be at least 70 years of age by July 1 of year applying **Must** be a Plymouth homeowner **Must** reside in same property, for at least twenty years (20) by July 1 of year applying. **Must** have paid property taxes on said property for at least twenty (20) years **Must** reside in said property full time (no rental, snow birds or seasonal property ownership eligible) **Must** be a registered voter **Must** renew request for **SRTRC** each year by July 1 **Must** be retired or not working at any full time employment

BY PETITION: Keven Joyce et al