



**HOLYOKE BOARD OF APPEALS  
PUBLIC HEARING MINUTES (#966)  
KEVIN FLYNN, 5 LINDOR HEIGHTS  
WEDNESDAY, SEPTEMBER 19, 2018 at 5:30 P.M.**

**Board of Appeals**

Josh Knox ..... Chairman  
Mary Monahan..... Member  
Hilda Roque..... Member

**Staff**

Jeffrey Burkott ..... Assistant Director, Planning  
Barbara Bou..... Head Clerk  
Chris Erchull..... 2<sup>nd</sup> Assistant City Solicitor

**Others Present**

Lisa Bourque, Sarah Bory, Ernie Fitzell, Mary Kelleher, Gary Jodoin,  
Nick Cosmos, Judy Raymond, Maureen Cosmos, Katie Fern,  
Erick Velez (Board of Health), Morriss Partee

**OPEN**

AT 5:31 p.m., Josh Knox called for a motion to open the Public Hearing. A motion was made by Mary Monahan and seconded by Hilda Roque. The motion carried 3-0.

Josh Knox asked the applicant to present his case regarding his appeal, but he was not present. Chris Erchull, the 2<sup>nd</sup> assistant to the City Solicitor explained their absence and spoke regarding a letter that the abutters to the property at 5 Lindor Heights received regarding a continuance with a date of September 26, 2018, which was the incorrect date. Mr. Erchull explained that there was some confusion amongst abutters because of the letter and the attorney for the applicant would not be in attendance for tonight's public hearing because of a religious holiday.

Josh Knox stated that the lawyer of the applicant notified the abutters directly with the wrong date and believes that this seems problematic. Mr. Knox added that the application is a complete application and that he has enough information to make a decision even though the applicant and his attorney are not present.

Mary Monahan stated that the applicant had plenty of time to present his case. She added that even in the absence of the applicant there is enough information to make a rational decision. Even if the applicants' attorney couldn't make it, the applicant could have been present.

Hilda Roque stated that she agreed with Mary Monahan's statement regarding having enough information to move forward with the hearing.

Public comment regarding continuance of the public hearing. Mary Kelleher stated that this Public Hearing has already been continued several times. She would like to have this resolved today by not having a continuance. Mr. David Bourque also spoke regarding a continuance. He felt that this public hearing should not be Continued and should be resolved at today's hearing.

Erick Velez, the animal control officer stated that chickens can carry diseases. As a matter of fact, Officer Velez, stated that the applicant had mentioned to him at a previous meeting that one of his chickens had passed away. Regarding the chickens being service animals, according to the ADA rules and regulations, chickens would not be considered an emotional support animal. The chair read the doctors note dated June 7, 2018 and asked Officer Velez if the letter was adequate in justifying the applicants claims that they need a therapy chicken. Mr. Velez stated no the letter is not an adequate justification, anything outside of a dog is not recognized as a service animal. Officer Velez reiterated that according to the ADA rules and regulations a service animal only refers to dogs. Therefore, allowing chickens at that address is not a reasonable accommodation. Officer Velez also stated that allowing this accommodation to move forward will set a negative precedent for the rest of the city.

The board found that the appeal is based on the chickens serving as an emotional support animal. According to the ADA rules and regulations, chickens would not be considered an emotional support animal, therefore the Board found that the appeal has no basis on being a reasonable accommodation.

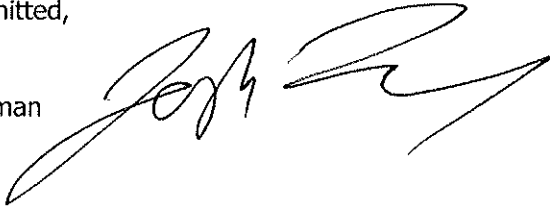
A motion was made by Mary Monahan and seconded by Hilda Roque to deny the appeal of the Building Commissioners denial of livestock on a parcel less than 5 acres in a R-1 Zone at 5 Lindor Heights. The motion carried 3-0.

**ADJOURN**

Josh Knox at 6:15 p.m. asked for a motion to close the Public Hearing. A motion was made by MARY MONAHAN and seconded by HILDA ROQUE. The motion carried 3-0.

Respectfully submitted,

Josh Knox, Chairman

A handwritten signature in black ink, appearing to read "Josh Knox", written over a horizontal line.