



Nicholas J. Ciarimboli
Code Enforcement Officer/ Planning Assistant
E-mail: nciarimboli@yarmouth.me.com

Tel: 207-846-2401
Fax: 207-846-2438

TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

MEMORANDUM

To: General Board of Appeals
From: Nicholas J. Ciarimboli (Code Enforcement Officer)
Subject: Board of Appeals Case # - 20-BOA-0003 of October 26, 2020
Michelle and Aaron Kaufman of 18 Lone Pine Ln., Map 28 Lot 8-E
Special Exception to allow for Farm Animals of Personal Use (6 hens) on the premises of less than two acres in the Medium Density Residential (MDR) zone.
Date: October 16, 2020

After receiving a Compliance Request Letter from the Town, the applicant has applied for a Special Exception to keep six (6) hens (no roosters) on their .55 acre lot in the MDR. Although this process has taken some time, the Town would like to assure the Board that a good faith effort has been made by all parties involved to resolve this matter in a timely fashion during the extenuating circumstances of Covid-19. During this time, a separate effort was initiated by Yarmouth residents, including the applicant, in conjunction with the Town to introduce a new Zoning Ordinance for the keeping of domesticated chickens. The proposed ordinance is currently under review by the Planning Board (PB) and is tentatively scheduled for a second workshop on the PB's November 18th agenda. If this domesticated chicken ordinance were to be approved, a Special Exception would no longer be required for those in compliance with the proposal. The applicant has modeled their application after the proposed ordinance, however, if this Special Exception were to be approved, the applicant would not be required to go through the permitting process of a Domesticated Chicken Ordinance unless specified by the Board. As always, the Board is free to determine conditions of approval that will ensure the proposal meets the intent of the ordinance. A copy of the proposed ordinance and the associated Planning Department report has been included in your packet.

- 1.) Special Exception Standards Findings and Decision Form
- 2.) Zoning Excerpts
 - a. Definitions (Ch. 701, Article I., D);
 - i. Special Exception, Farm Animals for Personal Use
 - b. MDR Zone
- 3.) Comments
- 4.) Application Package
- 5.) Compliance Request Letter
- 6.) Proposed Chicken Ordinance and Initial Planning Department Report

If you have any questions or require additional information, please let me know. Thank you for your time.

Very Respectfully,

Nicholas J. Ciarimboli

YARMOUTH GENERAL BOARD of APPEALS

Special Exception Standards, Findings, & Decision General Board of Appeals Meeting of October 26, 2020

Applicant/Project Description

Michelle and Aaron Kaufman owner of property at 18 Lone Pine, Map 28- Lot 08-E, requests a Special Exception to allow for Farm Animals for Personal Use (6 Buff Orpington Hens) on the premises of less than two acres within the Medium Density Residential (MDR) district.

Reference: Chapter 701, Article IV, Section H. (MDR District), and Article VII, Section B., Subsection 2.b. (Special Exceptions) of the Town's Zoning Ordinance.

Chapter 701, Zoning, Article VII.2.b(2)(d) Standards for Special Exceptions

(d.) **Standards for Special Exceptions.** Before it issues a Special Exception permit, the Board of Appeals shall find, as a matter of fact, that the proposed use meets the following criteria:

- i.) The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design or operation.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- ii.) The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- iii.) The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood

or require a substantially greater degree of Municipal fire or police protection than existing uses in the neighborhood.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- iv.) The proposed use will not result in unreasonable sedimentation or erosion, or have an adverse effect on water supplies.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- v.) The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other Structures and density of development.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- vi.) If located in a Resource Protection District or Shoreland Zone, the proposed use (1) will not result in damage in spawning grounds, fish, aquatic life, bird and other wildlife habitat; (2) will conserve Shoreland Vegetation; (3) will conserve visual points or access to water as viewed actual points of access to waters; (5) will conserve natural beauty; (6) will avoid problems associated with flood plain development and use; and (7) will comply with the performance standards of Article II of this Ordinance.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- vii.) The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- viii.) The applicant has the technical and financial ability to meet the standards of this Section and to comply with any conditions imposed by the General Board of Appeals pursuant to Article VII.B.2.b.(1)(e) of this Section.

Findings of Fact:

Findings and conclusion moved by _____, seconded by _____, and voted __ in favor, __ opposed, Vote conducted by roll call.

- (e.) Conditions of Special Exceptions. Upon consideration of the standards listed in Article VII.B.2.b.(1)(b) of this Section, the General Board of Appeals may attach such conditions, in addition to those required by other provisions of this Ordinance, as it finds necessary to insure compliance with those standards and all other applicable requirements of this Ordinance. Violation of any of those conditions shall be a violation of this Ordinance. Such conditions may include, but are not limited to, specifications for: type of Vegetation, increased setbacks and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operational controls, professional inspection and maintenance, sureties, location of Piers, Docks, parking and signs, and types of construction.

Conditions of Approval:

1. Approval of Variations from Plans: The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant, testimony during the public hearing, and the administrative record. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.

2. _____

3. _____

Motion to Approve: Based on the findings of fact and conclusions as voted above, and subject to the conditions of approval as stated above, the Yarmouth General Board of Appeals hereby finds that approval of the Farm Animals for Personal Use on Lots of less than two (2) Acres **[does/does not]** achieve the spirit and intent of the MDR, and therefore **[does/does not]** approve Special Exception application for Michelle and Aaron Kaufman owner of property at 18 Lone Pine, Map 28 Lot 08-E.

Findings and conclusion moved by _____, **seconded by** _____, **and voted** __ **in favor,** __ **opposed, Vote conducted by roll call.**

Voted by the Town of Yarmouth General Board of Appeals on October 26, 2020

Signed by:

Jennifer Peters, Chair, General Board of Appeals

Date

Zoning Excerpts

CH. 701, Article I., D. Definitions

Animal, Farm for Personal Use: The keeping of bovines, horses, birds, goats, sheep, pigs and other related animals for personal pleasure and/or consumption.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, areas, location, or relation to the neighborhood, would promote the public health, safety, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special exceptions, if specific provision for such special exception is made in this Zoning Ordinance.

CH.701, Article IV., H. “MDR” - Medium Density Residential

H. “MDR” – MEDIUM DENSITY RESIDENTIAL

The medium density residential district is expected to provide public sewer and water in all areas of the district. The purpose of this District is to provide a wholesome living environment readily accessible to the Town center.

Permitted Uses:

Single Family Detached Dwelling	Multiplex
Two Family Detached Dwelling	Storage Buildings
Cluster Development (see Article II.M)	Churches
Accessory Uses and Buildings	Family Day Care Home
Farm Animals for Personal Use on lots of two Acres or more	
Manufactured Housing	Essential Services
Municipal Uses and Buildings	Home Occupations
Antenna array on Alternative Tower Structure, except no microwave dish antennas are permitted	
Wireless communication facility (see Article II.Z & Ch. 702, Site Plan Review Ordinance), except no microwave dish antennas are permitted	
Accessory Dwelling Units	

Special Exception

Public Utilities

Funeral Homes

Hospitals

Schools

Private Clubs

Group Day Care Home

Day Care Facility within Churches and Community Buildings (require site plan review)

Conversion of a residential Structure, in existence prior to March 12, 1973, to a Two-family Detached Dwelling. No conversion shall result in a total of more than two (2) dwelling units per lot.

Farm Animals for Personal Use on Lots of less than two (2) Acres.

Expansion of existing Commercial

Greenhouse to no more than 30% of the floor area in existence at the date of this Ordinance

Medium Density Residential Minimum Dimensional Requirements ^d

(May be modified in accordance with the Ordinance)

	Single Family and other uses	Two Family Detached	Multiplex
<u>Area</u>	<u>1 Acres</u>	<u>2 Acres</u>	<u>10</u>
<u>Acres/unit ^a</u>			<u>1</u>
<u>Lot Width ^c</u>	<u>130 feet</u>	<u>130 feet</u>	
<u>Front Yard</u>	<u>15 feet</u>	<u>15 feet</u>	
<u>Side Yard</u>	<u>10 feet</u>	<u>10 feet</u>	
<u>Rear Yard</u>	<u>15 feet</u>	<u>15 feet</u>	

a- must be served by sewer**b-** width must be maintained from the front lot line to the minimum front yard set back**d-** adopted 2/16/95: Lot size, setback, lot coverage, and frontage requirements waived for "essential services"

1. MDR Backlot (RR back Lot provisions shall apply, subject to the dimensional requirements of the MDR zone.)

Submit Comments to Nick Ciarimboli by 9/21/20**TOWN OF YARMOUTH****200 Main Street****Yarmouth, Maine 04096****(207)846-2401****Fax: (207)846-2438****NOTICE OF PLANNING DEPARTMENT FILING & REQUEST FOR COMMENT**

Date Rec'd.: 9/8/20

Agenda Date: GBA - 10/26/20

Project Description: Special Exception

Project Location: 18 Lone Pine Lane

Applicant: Michelle & Aaron Kaufman

Agent/Contact: Michelle Kaufman - shellgrace@gmail.com

Project Description:

Request to keep chickens in MDR on a lot under 2 acres.

*No Callcards.
9-17-2020*

- ☐ Review For Completeness/Checklist
- ☐ Respond To Applicant Re: Completeness
- ☐ Staff Input/Request Sent:

1. Director of Public Works (full size)
2. **Town Engineer (full size)**
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Warden (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)
16. Assistant CEO/Fire Inspector (pdf)

Date Completed:

9/3/209/3/209/11/20XXXXXXXXXXXXXXX

- ☐ Abutters Notice Created/Sent

- ☐ Agenda To PB

- ☐ Agenda Posting:

1. Shopping Notes

2. Website

3. Bulletin Board

- ☐ Copy Of Findings And Decision In File

Submit Comments to Nick Ciarimboli by 9/21/20

TOWN OF YARMOUTH

200 Main Street

Yarmouth, Maine 04096

(207)846-2401

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Applicant: Michelle & Aaron Kaufman

Agent/Contact: Michelle Kaufman - shellgrace@gmail.com

Project Description:

Request to keep chickens in MDR on a lot under 2 acres.

*I have NO
Comments or
Concerns.
Eric Shuf
9-21-20*

- ☐ Review For Completeness/Checklist
- ☐ Respond To Applicant Re: Completeness
- ☐ Staff Input/Request Sent:

Date Completed:

9/3/20

9/3/20

9/11/20

1. Director of Public Works (full size)
2. Town Engineer (full size)
3. Fire Chief (pdf)
4. Police Chief (pdf)
5. Director of Community Svcs (pdf)
6. Yarmouth Water District (pdf)
7. Code Enforcement Officer (full size)
8. Town Manager (pdf)
9. Harbormaster (pdf)
10. School District (pdf)
11. Tree Warden (pdf)
12. Economic Development Director (pdf)
13. Planning Director (full size)
14. Assessor - Subdivision Only (pdf)
15. Bike & Ped Committee (pdf)
16. Assistant CEO/Fire Inspector (pdf)

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- ☐ Abutters Notice Created/Sent
- ☐ Agenda To PB
- ☐ Agenda Posting:

1. Shopping Notes
2. Website
3. Bulletin Board

- ☐ Copy Of Findings And Decision In File

From: Mike Robitaille <MRobitaille@Yarmouth.me.us>
Sent: Monday, September 14, 2020 7:56 AM
To: Wendy Simmons <WSimmons@yarmouth.me.us>
Subject: RE: Request for Comment - 18 Lone Pine Lane

I have no comments concerning this request.

*Michael S. Robitaille
Chief of Department
Yarmouth Fire Rescue*

From: Eric Gagnon <egagnon@yarmouthwaterdistrict.org>
Sent: Friday, September 11, 2020 11:05 AM
To: Nicholas Ciarimboli <NCiarimboli@yarmouth.me.us>
Cc: Wendy Simmons <WSimmons@yarmouth.me.us>; Bob MacKinnon <ywdbob@maine.rr.com>
Subject: Re: Request for Comment - 18 Lone Pine Lane

The Water District doesn't have any issues with this appeal.

Eric Gagnon
Assistant Superintendent
Yarmouth Water District
207.846.5821 phone
207.846.1240 fax
<http://YarmouthWaterDistrict.org/>

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From: Fischer Family Orthodontics <yarmouthortho@gmail.com>

Sent: Tuesday, October 13, 2020 1:19 PM

To: Wendy Simmons <WSimmons@yarmouth.me.us>

Subject: Special Exception Appeal Application

To: Nicholas Ciarimboli, c/o Wendy Simmons, Administrative Assistant
Town of Yarmouth, Maine

From: Mark and Teresa Fischer, 14 Lone Pine Lane, Yarmouth, Maine 04096
MAP LOT DATE 028/008/00D

Re: Special Exception Appeal Application, (Reference: ARTICLE VII, B.2.b.)
General Board of Appeals
Request by Michelle and Aaron Kaufman, 18 Lone Pine Lane, Yarmouth, Maine
MAP LOT DATE 028/008/00E

Date: October 12, 2020

We are the abutters to the property owned by Michelle and Aaron Kaufman. The property between our homes is not fenced and while it has dense foliage during the late spring and summer, the yards are quite visible to each other during the fall, winter and early spring and any chickens can easily cross onto our property during this time if they are loose and have done so in the past. See attached photos (Photos 1-3) of chickens on our property and the visibility of the property between our homes.

We would like to be clear that we have no problem with the Kaufman's having chickens. We would, however, like to be assured that the chickens will remain in their coop. There have been no recent issues with the Kaufman's chickens being loose in our yard. We have had several discussions with Mr. and Mrs. Kaufman in the past where we had asked them to keep the chickens out of our yard. We found them roaming in our front yard, backyard and have found chicken excrement on our driveway and front porch. Each time they agreed to keep the chickens in their coop or chicken run, but they were then back in our yard and have been in the neighboring condo property as well. See photos attached (Photos 4-5).

With regard to any chicken tractor or run, we would like to ask that it not be kept on the side yard between our homes that is next to the common property line. This is very close to our bedroom windows, and we have been able to hear the chickens when they are located there. We would prefer not to be able to see or hear the chickens.

Very respectfully submitted,

Mark and Teresa Fischer
14 Lone Pine Lane
Yarmouth, Maine 04096









3.9



Mrs David Webster
60 Lone Pine Lane
Yarmouth Maine 04096

Sept. 24, 2020

Re: Chickens at 18 Lone Pine Lane.

While quiet chickens would
be ok with me, I would oppose
roosters.

So, I would not like
to have chickens in our
neighborhood..

Sincerely,

Winifred Webster
60 Lone Pine Lane

Attachment 4

SPECIAL EXCEPTION APPEAL APPLICATION

(Reference: ARTICLE VII, B.2.b.)

General Board of Appeals

Application forms, materials and applicable fees must be submitted to the Code Enforcement Office at least twenty-one (21) days before the GBA meeting.

MAP LOT DATE 028/008/00E We, **Michelle and Aaron Kaufman**, owner (or owner’s duly authorized representative) of property at **18 Lone Pine Lane**, and located in the **MDR** District, respectfully request a Special Exception in accordance with the Town of Yarmouth’s Zoning Ordinance:

Zoning Ordinance Reference:

Article VII, Section(s) B. 2. b. (1) .

Article IV, Section(s) H, , ,

Article , Section(s) , , ,

Please describe the special exception. Add supporting exhibits, documents, sketches, photographs, maps and other relevant material to be made a part of this application that will help support your request.

PLEASE SEE ATTACHED SHEETS

Please explain how the special exception will conform to each of the following:

1.The proposed use will not create unsanitary or unhealthful conditions by reason of sewage disposal, emissions to the air or water, or other aspects of its design operation.

☐ HHE 200 –septic system permit (if applicable)

SEE ATTACHED SHEETS

2.The proposed use will not create unsafe vehicular or pedestrian traffic conditions when added to existing and foreseeable traffic in its vicinity.

SEE ATTACHED SHEETS

3.The proposed use will not create public safety problems which would be substantially different from those created by existing uses in the neighborhood or require a substantially greater degree of Municipal fire or police protection than existing uses in the neighborhood.

SEE ATTACHED SHEETS

4.The proposed use will not result in unreasonable sedimentation or erosion, or have an adverse effect on water supplies.

- ☐ Erosion and sedimentation control plan
- ☐ Drainage plan

SEE ATTACHED SHEETS

5.The proposed use will be compatible with existing uses in the neighborhood, with respect to physical size, visual impact, intensity of use, proximity to other structures and density of development.

- ☐ Plot plan including setbacks
- ☐ Building elevations
- ☐ Topographical information
- ☐ Proposed building location
- ☐ Site plan application

SEE ATTACHED SHEETS

6.If located in a Resource Protection District or Shoreland Zone, the proposed use (1) will not result in damage in spawning grounds, fish, aquatic life, bird and other wildlife habitat; (2) will conserve shoreland vegetation; (3) will conserve visual points or access to water as viewed from public facilities; (4) will conserve actual points of access to waters; (5) will conserve natural beauty; (6) will avoid problems associated with flood plain development and use; and (7) will comply with the performance standards of Article II of this Ordinance. N/A

7.The applicant has sufficient right, title or interest in the site of the proposed use to be able to carry out the proposed use.

- ☐ Copy of deed option or purchase and sale agreement

SEE ATTACHED SHEETS

8.The applicant has the technical and financial ability to meet the standards of this Section and to comply with any condition imposed by the Board of Appeals pursuant to Article VII., B.2.b.(1)(e) of this Section.

Other information deemed pertinent to the application:

- ☐ Noise
- ☐ Cubic yardage to be removed
- ☐ Hours and days of operation
- ☐ Number and types of animals

Six (6) Buff Orpington Hens

Please Note: The Board may require additional information not listed here. I have paid the one hundred dollars (\$100) application fee.

I have included evidence of my legal interest in the property under consideration or authorization to act for the property owner.

Applicant's / Representative's

Signature Michelle Kaufman

printed: Michelle Kaufman

Mailing Address: 18 Lone Pine Lane

Telephone No.: 617-816-8320

Email: shellgrace@gmail.com

SPECIAL EXCEPTION APPEAL

Please describe the special exception. Add supporting exhibits, documents, sketches, photographs, maps and other relevant material to be made a part of this application that will help support your request.



We are applying for a special exception to own 6 domesticated chickens on our .55 acre property in Yarmouth.

When COVID began and kids were sent home from school, my husband, Aaron, and I decided that it would be a great time to get young chickens, to minimize the number of times we have to go to the grocery store, as well as for it to become a source of learning, growth (and entertainment) for our 7 year old (Julian) and 3 year old (Naomi) who were now at home all day.

We moved into our neighborhood in Yarmouth last October from a more rural setting in Freeport.

Because we were new to the town and area, and because we had chickens previously where we lived, we didn't think twice about getting chickens or that there might be an appeal process required. If we had known, we would have gone through this process before obtaining them.



When we brought home the 6 young chickens, it became immediately clear that our children were quite taken with them.

Julian took on sole responsibility of raising them – keeping their water fresh, food full, and made sure the door was locked at night. Naomi chose the most docile and small chicken as hers, and together Julian and Naomi raised them and took care of them, becoming very close to them in the process.

4.3

Without school to go to or friends to play with, we were thankful every day that they had their chickens to focus on. We even integrated chickens into Julian's remote learning to make his schoolwork more fun. All of his classmates and teachers learned about his chickens and continue to ask about them. Our chickens have become an integral part of our family.

Now almost 6 months later, we recently found our first egg. This was like absolute magic for the kids. To have put so much time, effort and love into something and then they give you a most delicious gift in return... it has been so fun!

LOCATION



We have .55 acres and 6 chickens. We have a fence around 75% of our yard, and dense, thick foliage on the fourth side of the yard, which is the only side that borders a neighboring property. (See foliage wall to left of wood pile – this runs the length of the boundary between our home and the neighboring property.) The chickens are exclusively inside the coop / run and do not roam free.

The coop is positioned on the opposite side of the yard, tucked into the NW corner, 10 feet from the fence. Our lot extends beyond the fence before transitioning to a private road. The top of the coop's roof can just barely be seen from the private road.



We have only female chickens for our personal use and do not intend to breed them or produce fertilizer for commercial purposes, nor would we slaughter a chicken on site. If one dies, we would dispose of it promptly. We are doing all that we can to minimize attraction of predators to the property, including keeping their home clean and free of infestation.

SANITATION and SECURITY



Removable roosting bars and supports for droppings boards

We keep our chickens in a clean and sanitary stationary chicken coop, which is impermeable to predators. (See photos of chicken coop below). It is built with a mesh apron (greater than 12" L footer) and mesh floor to keep the chickens safe from predators that are likely to try and dig under the coop. The coop features plastic coated wire mesh with fender washers, reinforced with staples and predator safe door latches. Their location in our yard adds security as it is tucked in the far corner of the fenced in portion of the backyard.

We keep the chicken's food and water sheltered and protected inside the secure part of the coop, which they always have access to. The "upstairs" can be closed off

from below for warmth in the winter and is bedded with pine shavings bought from the store. Chickens poop when they sleep so we've made cleaning the inside of the coop easier by installing removable roosting bars and a "droppings board" which collects poop for easy cleaning. The outside footprint of the coop is kept sanitary by a "deep litter method" where wood chips and leaf litter are constantly added to the compost pile which can then be harvested for the garden. This drastically reduces odors as the poop "disappears" into the large amount of organic material.



Coop floor prior to leaf litter and wood chips



Apron extends beyond coop



Answers to Above Questions

1. The floor of our chicken coop is covered by a foot of leaf litter and wood chips. As the poop gets turned in by the chickens, more wood chip and leaf litter is added to the top. This deep litter method of waste management is a composting strategy where the finished composed can be harvested and used in gardens.
2. None – coop is located within our fenced yard.
3. None
4. No cause for concern re: erosion nor drainage.
5. The chicken home is to scale and tucked away into a corner of the fenced in yard. Only the tip of the roof can be seen from the other side of the fence. It is located far away from the house, on the opposite side of the garage and is nowhere near any abutting houses.
6. Not applicable
7. (Below)
8. Yes and yes
9. 6 female chickens



18 LONE PINE LANE

[Sales](#) [Print](#) [Map It](#)

Location	18 LONE PINE LANE	Mblu	028/ 008/ 00E/ /
Acct#	001820	Owner	KAUFMAN AARON J
Assessment	\$383,300	Appraisal	\$383,300
PID	1801	Building Count	1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$233,700	\$149,600	\$383,300
Assessment			
Valuation Year	Improvements	Land	Total
2019	\$233,700	\$149,600	\$383,300

DLN 1001940076997

MAINE REAL ESTATE TAX-Paid

(SPACE ABOVE RESERVED FOR RECORDING INFORMATION)

WARRANTY DEED**JOINT TENANCY****Maine Statutory Short Form**

KNOW ALL PERSONS BY THESE PRESENTS that I, **Nan L. Butterfield**, of Yarmouth, County of Cumberland and State of Maine, for consideration paid, grant to **Aaron J. Kaufman** and **Michelle Grace Kaufman**, both having a mailing address of 15 Lilac Lane, Freeport, Maine 04032, with **WARRANTY COVENANTS**, as **Joint Tenants**, a certain lot or parcel of land in Yarmouth, County of Cumberland and State of Maine, bounded and described as follows:

A certain lot or parcel of land with the buildings thereon situated in Yarmouth, County of Cumberland and State of Maine, being Lot No. 5 as delineated on plan entitled "Blue Spruce Estates in Yarmouth, Maine" by Stephen DiPietro dated September, 1981, survey by Survey, Inc., which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book 135, Page 19, to which plan and the record thereof reference may be had for a more particular description.

Being the same premises as conveyed to Nan L. Butterfield by virtue of a deed from Michael F. Tarpey and Darlene E. Tarpey, dated August 25, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12083, Page 43.

The premises are conveyed subject to any easements and restrictions of record, and together with all rights, easements, privileges and appurtenances belonging to the premises described herein.

WITNESS my hand this 25th day of October, 2019.

Witness

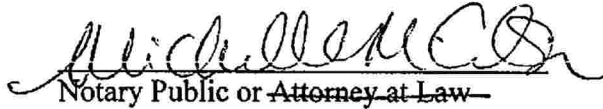

Nan L. Butterfield

STATE OF MAINE
COUNTY OF CUMBERLAND

October 25, 2019

Personally appeared the above-named Nan L. Butterfield, and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public or ~~Attorney at Law~~



After recording return to:

Aaron J. Kaufman
Michelle Grace Kaufman
18 Lone Pine Lane
Yarmouth, Maine 04096



8/4/2020, 4:56:06 PM

- Parcel ID's

Parcels

Shoreland Overlay District
- Zoning

Route 1 Corridor

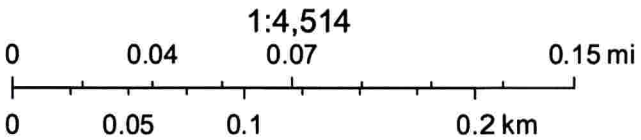
Low Density Residential

Medium Density Residential

- Water Oriented Commercial
- Resource Protection

Parcels Mailing Labels

18 SITE @ 18 LONE PINE



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Town of Yarmouth

Town of Yarmouth Public Map Viewer

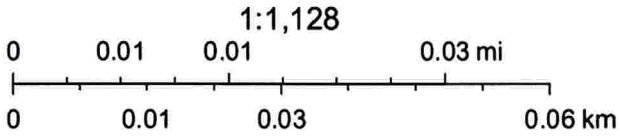


8/4/2020, 4:54:56 PM

- Parcel ID's
- Parcels
- Zoning
 - Medium Density Residential

- Contours (2 Foot)
- Parcels Mailing Labels

SITE @ 18 LONE PINE



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Town of Yarmouth



Nicholas Ciarimboli
Code Enforcement Officer
E-mail: nciarimboli@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438

TOWN OF YARMOUTH
200 Main Street, Yarmouth, Maine 04096
www.yarmouth.me.us

COMPLIANCE REQUEST

May 22, 2020

Aaron Kaufman and Michelle Kaufman, or current property owner
18 Lone Pine Ln.
Yarmouth, ME 04096

Dear Aaron and Michelle Kaufman,

It has come to my attention that the residents of 18 Lone Pine Ln., Map 28 Lot 8-E may have Farm Animals for Personal Use on the premises (*as defined in Ch. 701 Zoning Ordinance/ Art. I/ D.*).

Animal, Farm for Personal Use: *The keeping of bovines, horses, birds, goats, sheep, pigs and other related animals for personal pleasure and/or consumption.*

Per Ch.701/ Art. IV/ H. "MDR" – Medium Density Residential, Farm Animals for Personal Use are currently only a permitted use on Lots of two acres or more, or by Special Exception for Lots of less than two acres. If the information regarding the presence of Farm Animals is incorrect, or if this use has been previously approved by the Town, or if this has been a continued use on the property pre-dating the ordinance, please provide documentation in this regard. If necessary, an application for a Special Exception may be made through the General Board of Appeals (attached). For more information regarding the application process, please review Ch. 701/ Art. VII.

Once the status of the use is determined, we can evaluate whether this is indeed a violation and how to proceed. Please contact me within the next 10 days to discuss the situation and establish next steps. Thank you for your time and consideration.

Very Respectfully,

Nicholas Ciarimboli
Code Enforcement Officer/Planning Assistant



Nicholas Ciarimboli
Code Enforcement Officer
E-mail: nciarimboli@yarmouth.me.us

Tel: 207-846-2401
Fax: 207-846-2438

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200 Main Street, Yarmouth, Maine 04096
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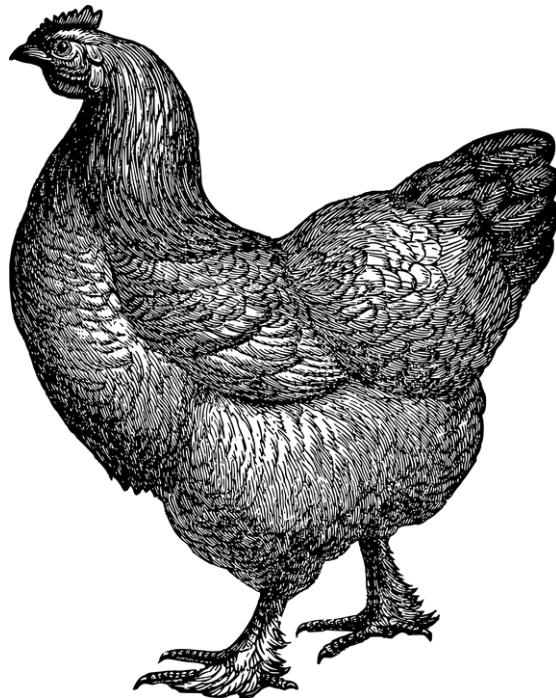
**PLANNING BOARD REPORT
YARMOUTH, MAINE**

Request for Zoning Amendment:
Keeping of Domesticated Chickens

Tami Goodrich & Michelle Kaufman/ Town of Yarmouth, Applicant

Prepared by: Nicholas Ciarimboli, Code Enforcement Officer/ Planning Assistant

Report Date: September 2, 2020; Meeting Date: September 9, 2020



Background:

Chickens have been the topic of many inquiries to the Planning Department over the past few years with regards to the Town Ordinances on their keeping. The Town has worked in conjunction with the applicants to develop a proposal for an ordinance amendment that would increase the opportunities for residents to raise small numbers of domesticated chickens in a wider range of zoning districts. Presently, chickens are permitted in any zone that allows for *Farm Animals for Personal Use* which is defined as;

Animal, Farm for Personal Use: *The keeping of bovines, horses, birds, goats, sheep, pigs and other related animals for personal pleasure and/or consumption.*

This allowance makes no further distinctions on the quantity of animals permitted or the conditions to be provided. It should be noted that this permitted use is different from *Animal Husbandry*;

Animal Husbandry: *Permits dairying, raising of livestock, breeding or keeping of animals, fowl or birds as a business or gainful occupation.*

which is currently only permitted through Special Exception in the Rural Residential (RR) and Low Density Residential (LDR) districts. Farm Animals for Personal Use is not a commercial operation and does not allow for the selling of animals or animal related products. This use is currently permitted in the following districts;

- RR
- LDR
- Medium Density Residential (MDR)
 - o on lots of 2 acres or more, or by Special Exception through the General Board of Appeals (GBA)
- Resource Protection District (RPD)
 - o Planning Board permit required
- Commercial (C)
- Commercial (C) -II
- Water Oriented Commercial (WOC) – II
 - o Via allowance of any LDR permitted use

The purpose of this addition to the Zoning Ordinance is to allow by right for the keeping of a specific number of hens accessory to detached Single-family and Two-family houses in all districts where detached Single-family and Two-family houses are a permitted use. It is not intended to be enforced where Farm Animals for Personal Use is already a permitted use, but may supersede the requirement for a Special Exception due to lot size. I have attached the original text of the ordinance as provided by the Applicants. The following is a breakdown of each section with proposed edits, and additional comments from Town Staff. As a workshop item, no motions will be made by the Planning Board at this time. The purpose of the agenda item is to introduce the idea and gather feedback for the further development of the proposal.

Proposed Zoning Amendment to Allow Keeping of Domesticated Chickens – Draft 8/18/20

CHAPTER 701 ARTICLE II

The following provisions shall apply to all districts except where listed:

DD. KEEPING OF DOMESTICATED CHICKENS

1. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Proposed Edit/Comments:

- *Add to the end of the first sentence, “in all districts where detached Single-family and Two-family houses are permitted and Farm Animals for Personal Use is not a permitted use, or restricted to a Special Exception due to lot size.”*

2. Permit Required

- (a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
- (b) The fee for an annual permit to keep chickens is twenty-five dollars (\$25.00).
- (c) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a permit.

Proposed Edit/Comments:

- *Omit the annual requirement. This can be a one-time permit specific to the applicant and property and non-transferable. An annual permit may be overly burdensome to administer and enforce.*

3. Keeping of Chickens: Number, type, and use of chickens

- (a) The maximum number of chickens allowed is six (6) per lot under .5 acres, Twelve (12) per lot over .5 acres in the MDR (Medium Density Residence) and Village zones.
- (b) Only female chickens are allowed. There is no restriction on breed of chicken.
- (c) Chickens shall be kept as pets and for personal use only; no person shall engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

- *Possibly limit the ordinance to the allowance of six chickens for lots less than one acre and up to twelve chickens for lots greater than one acre. Possibly even reducing the allowable number to three chickens for lots of less than .5 acres.*

- *Omit language specific to MDR and Village Zones as this will be applicable throughout any district that allows for Single-family and Two-Family Houses.*
- *Is the prohibition on the slaughtering of chickens necessary? This is a reality of keeping chickens as a food source and potentially maintaining/managing a healthy productive flock. If chickens are acquired as chicks, roosters may magically emerge at a later date, and there are often limited options on what to do with an unwanted rooster.*
- *A list of permit submission requirements may also be developed in the ordinance or may just exist on the permit application as a policy item but should include at minimum,*
 - o *Plot Plan*
 - o *Sketch of Structures for the housing of chickens with materials listed*

4. Enclosures

(a) Chickens must be kept in an enclosure of a chicken tractor, chicken pen (enclosed fenced area) or chicken run. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times. The chicken pen and tractor must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing. Chicken pens must be buried at least 12" in the ground, fence on the ground enclosing the pen completely, or a 12" L footer around the pen. The pen must be covered with wire, aviary netting, or solid roofing. The use of only chicken wire is not permitted on permanent structures.

Proposed Edit/Comments:

- *A diagram may be useful for the fence requirements.*
- *Per Steve Johnson's note, Add language specifying owner's responsibility for chickens to be kept on the property at all times and shall not free range to other parcels.*

(b) Chickens shall be secured within a henhouse or enclosed in a chicken tractor during non-daylight hours.

(1) Any henhouse shall be at least ten (10') feet from any residential structure or any other structure on any adjacent lots. The henhouse/chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The henhouse must be well-maintained.

(2) Henhouses shall only be located in rear or side yards, and shall meet zoning setbacks applicable to detached accessory structures.

Proposed Edit/Comments:

Consideration should be given to limiting permanent structures to the rear yard only. Language from the Portland Chicken Ordinance, "Henhouses shall only be located in rear yards, and shall meet zoning setbacks applicable to detached accessory structures. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks for structures generally applicable in the zoning district are met. In no case may a henhouse be placed in the front yard. Henhouses are not allowed to be located in any part of a home."

(c) Chicken runs may be used during daylight hours only. Chickens must be secured in either a chicken house or chicken tractor at night.

5. Odor

Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

Proposed Edit/Comments:

- *Although seemingly an important feature of the ordinance, how is this measured? This seems problematic from an enforcement end.*

6. Predators, rodents, insects, and parasites

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation.

7. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

8. Fees for re-inspections.

Following the city's issuance of a notice of violation of the requirements hereunder and an order to correct violations, the city will issue a notice and inquire about the violation. Failure to correct the violation shall result in a penalty imposed. If the violations have not been fixed, the violator shall be assessed a reinspection fee of seventy-five dollars (\$75.00) for the first re-inspection and one hundred fifty for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property of the violator and the assessment and lien shall be collected and enforced.

Proposed Edit/Comments:

- *This Section may be better titled Violations and Revocation of Permit. Per Chief Gallant comments, "(the ordinance has) Nothing about revocation of a permit or action to be taken from town if there is a risk to public health or safety, or other violations of law or ordinance. And if the town does have to take action for health/safety, the property/chicken owner should be responsible for costs."*
- *Change 'city' to Town*
- *Per Chief Gallant comments, add language consistent with Portland ordinance, "A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law."*
- *Enforcement responsibilities should also be assigned to either Animal Control, Health Officer, or Code Enforcement Officer.*

9. Removal of chickens.

If a chicken dies, it must be disposed of promptly in a sanitary manner.

Proposed Edit/Comments:

- *Adding language with regards to removal due to violations seems pertinent. Portland Ordinance, “In addition to the penalty stated in (section 8), any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures. The health inspector, health officer, or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk.”*

10. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

Recommendation:

In general, the Town is supportive of this proposed amendment, which would allow for the keeping of limited numbers of domesticated chickens in the vast majority of our residential neighborhoods. Greater public outreach and feedback is needed as these have been limited thus far. Notice has been published in the Notes as well as on the Town Facebook page and website, but we have to date received no public comments.

Proposed Motion

On the basis of the application, plans, reports and other information submitted by the applicant, and the findings and recommendations contained in Planning Board Report dated September 2, 2020, for Zoning Text Amendment Keeping of Domesticated Chickens, Tami Goodrich, Michelle Kaufman, & Town of Yarmouth Applicant, the Planning Board finds that the plan [is/is not] in conformance with the Yarmouth Comprehensive Plan, and therefore [recommends/does not recommend] that the Town Council adopt the proposed zoning text amendment.

Such motion moved by _____, seconded by _____, and
voted
_____ in favor, _____ opposed,

_____.

(note members voting in opposition, abstained, recused, or absent, if any).

Attachments:

1. Original Text Amendment Proposal
2. Portland Chicken Ordinance
3. Zoning Map
4. Dan Gallant, Chief of Police – email 8/9/2020
5. Steve Johnson, Town Engineer – memo 8/19/2020
6. Mike Robitaille, Fire Chief – email 8/19/2020
7. Erik Street, Public Works Director – memo 8/24/2020

Proposed Zoning Amendment to Allow Keeping of Domesticated Chickens – Draft 8/18/20

CHAPTER 701 ARTICLE II

The following provisions shall apply to all districts except where listed:

DD. KEEPING OF DOMESTICATED CHICKENS

1. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

2. Permit Required

- (a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.
- (b) The fee for an annual permit to keep chickens is twenty-five dollars (\$25.00).
- (c) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a permit.

3. Keeping of chickens: Number, type, and use of chickens

- (a) The maximum number of chickens allowed is six (6) per lot under .5 acres, Twelve (12) per lot over .5 acres in the MDR (Medium Density Residence) and Village zones.
- (b) Only female chickens are allowed. There is no restriction on breed of chicken.
- (c) Chickens shall be kept as pets and for personal use only; no person shall engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

4. Enclosures

- (a) Chickens must be kept in an enclosure of a chicken tractor, chicken pen (enclosed fenced area) or chicken run. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times. The chicken pen and tractor must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing. Chicken pens must be buried at least 12" in the ground, fence on the ground enclosing the pen completely, or a 12" L footer around the pen. The pen must be covered with wire, aviary netting, or solid roofing. The use of only chicken wire is not permitted on permanent structures.

(b) Chickens shall be secured within a henhouse or enclosed in a chicken tractor during non-daylight hours.

(1) Any henhouse shall be at least ten (10') feet from any residential structure or any other structure on any adjacent lots. The henhouse/chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The henhouse must be well-maintained.

(2) Henhouses shall only be located in rear or side yards, and shall meet zoning setbacks applicable to detached accessory structures.

(c) Chicken runs may be used during daylight hours only. Chickens must be secured in either a chicken house or chicken tractor at night.

5. Odor

Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

6. Predators, rodents, insects, and parasites

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation.

7. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

8. Fees for re-inspections.

Following the city's issuance of a notice of violation of the requirements hereunder and an order to correct violations, the city will issue a notice and inquire about the violation. Failure to correct the violation shall result in a penalty imposed. If the violations have not been fixed, the violator shall be assessed a reinspection fee of seventy-five dollars (\$75.00) for the first re-inspection and one hundred fifty for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property of the violator and the assessment and lien shall be collected and enforced.

9. Removal of chickens.

If a chicken dies, it must be disposed of promptly in a sanitary manner.

10. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

6.8

City of Portland
Code of Ordinances
Sec. 5-400

Animals & Fowl
Chapter 5
Rev. 3-20-09

ARTICLE IV. KEEPING OF DOMESTICATED CHICKENS**Sec. 5-400. Purpose.**

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

(Ord. No. 152-08/09, 2-18-09)

Sec. 5-401. Permit required.

(a) An annual permit is required for the keeping of any domesticated chickens. The annual permit is personal to the permittee and may not be assigned.

(b) The fee for an annual permit to keep chickens is twenty-five dollars (\$26.00).

(c) An applicant for a permit to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a permit.

(Ord. No. 152-08/09, 2-18-09; Ord. 244-14/15, 6-24-2015)

Sec. 5-402. Number and type of chickens allowed.

(a) The maximum number of chickens allowed is six (6) per lot regardless of how many dwelling units are on the lot.

(b) Only female chickens are allowed. There is no restriction on chicken species.

(Ord. No. 152-08/09, 2-18-09)

Sec. 5-403. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

(Ord. No. 152-08/09, 2-18-09)

Sec. 5-404. Enclosures.

6.9

City of Portland
Code of Ordinances
Sec. 5-404

Animals & Fowl
Chapter 5
Rev. 10-3-11

- (a) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing buried at least 12" in the ground. The pen must be covered with wire, aviary netting, or solid roofing. The use of chicken wire is not permitted.
- (b) Chickens shall be secured within a henhouse during non-daylight hours.
 - (1) Any henhouse shall be at least ten (10') feet from any residential structure or any other structure on any adjacent lots. The henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.
 - (2) Henhouses shall only be located in rear yards, and shall meet zoning setbacks applicable to detached accessory structures. For a corner lot or other property where no rear yard exists, a side yard may be used as long as the setbacks for structures generally applicable in the zoning district are met. In no case may a henhouse be placed in the front yard. Henhouses are not allowed to be located in any part of a home.

(Ord. No. 152-08/09, 2-18-09; Ord. No. 42-11/12, 10/3/11)

Sec. 5-405. Odor and noise impacts.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

6.10

City of Portland
Code of Ordinances
Sec. 5-405

Animals & Fowl
Chapter 5
Rev. 3-20-09

(Ord. No. 152-08/09, 2-18-09)

Sec. 406. Lighting.

Only motion-activated lighting may be used to light the exterior of the henhouse.

(Ord. No. 152-08/09, 2-18-09)

Sec. 407. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

(Ord. No. 152-08/09, 2-18-09)

Sec. 408. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators.

(Ord. No. 152-08/09, 2-18-09)

Sec. 409. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. No more than one, twenty gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(Ord. No. 152-08/09, 2-18-09)

Sec. 410. Fees for reinspections.

Following the city's issuance of a notice of violation of the requirements hereunder and an order to correct violations, the city will reinspect at the expense of seventy five dollars (\$75.00) to the property owner and/or chicken owner to determine whether the violations have been fixed in compliance with this article. Failure to correct the violation shall result in a penalty imposed pursuant to sec. 4-411 below in addition to the reinspection fee. If the violations have not been fixed in

6.11

City of Portland
Code of Ordinances
Sec. 5-410

Animals & Fowl
Chapter 5
Rev. 3-20-09

compliance with this chapter, the violator shall be assessed a reinspection fee of one hundred and fifty dollars (\$150.00) for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property of the violator and the assessment and lien shall be collected and enforced pursuant to section 1-16.

(Ord. No. 152-08/09, 2-18-09)

Sec. 411. Penalty.

In addition to any other enforcement action which the city may take, violation of any provision of this article shall be a civil violation and a fine of one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense. This penalty is in addition to any expense for reinspection of the property.

(Ord. No. 152-08/09, 2-18-09)

Sec. 412. Revocation of permit.

A permit to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

(Ord. No. 152-08/09, 2-18-09)

Sec. 413. Removal of chickens.

In addition to the penalty stated in §4-411, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures.

The health inspector, health officer, or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk.

If a chicken dies, it must be disposed of promptly in a sanitary manner.

(Ord. No. 152-08/09, 2-18-09)

Sec. 414. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.

6.12

City of Portland
Code of Ordinances
Sec. 5-414

Animals & Fowl
Chapter 5
Rev. 3-20-09

(Ord. No. 152-08/09, 2-18-09)

Sec. 5-415. to 5-499 Reserved.

ARTICLE V. RESTRICTIONS ON THE SALE OF DOGS AND CATS

Sec. 5-500. Definitions.

The following words when used in this article shall have the following meanings:

Animal care facility shall mean an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is, in whole or significant part, protecting the welfare of animals and placing animals in permanent homes or with animal rescue organizations.

Animal rescue organization shall mean any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue of animals and the placement of those animals in permanent homes, and which does not obtain dogs or cats from a breeder or broker for payment or compensation.

Breeder shall mean a person who maintains dogs or cats for the purpose of breeding and selling their offspring.

Broker shall mean a person who transfers dogs or cats at wholesale for resale by another.

Cat shall mean a member of the *Felis catus* family.

Dog shall mean a member of the *Canis familiaris* family, or resultant hybrid.

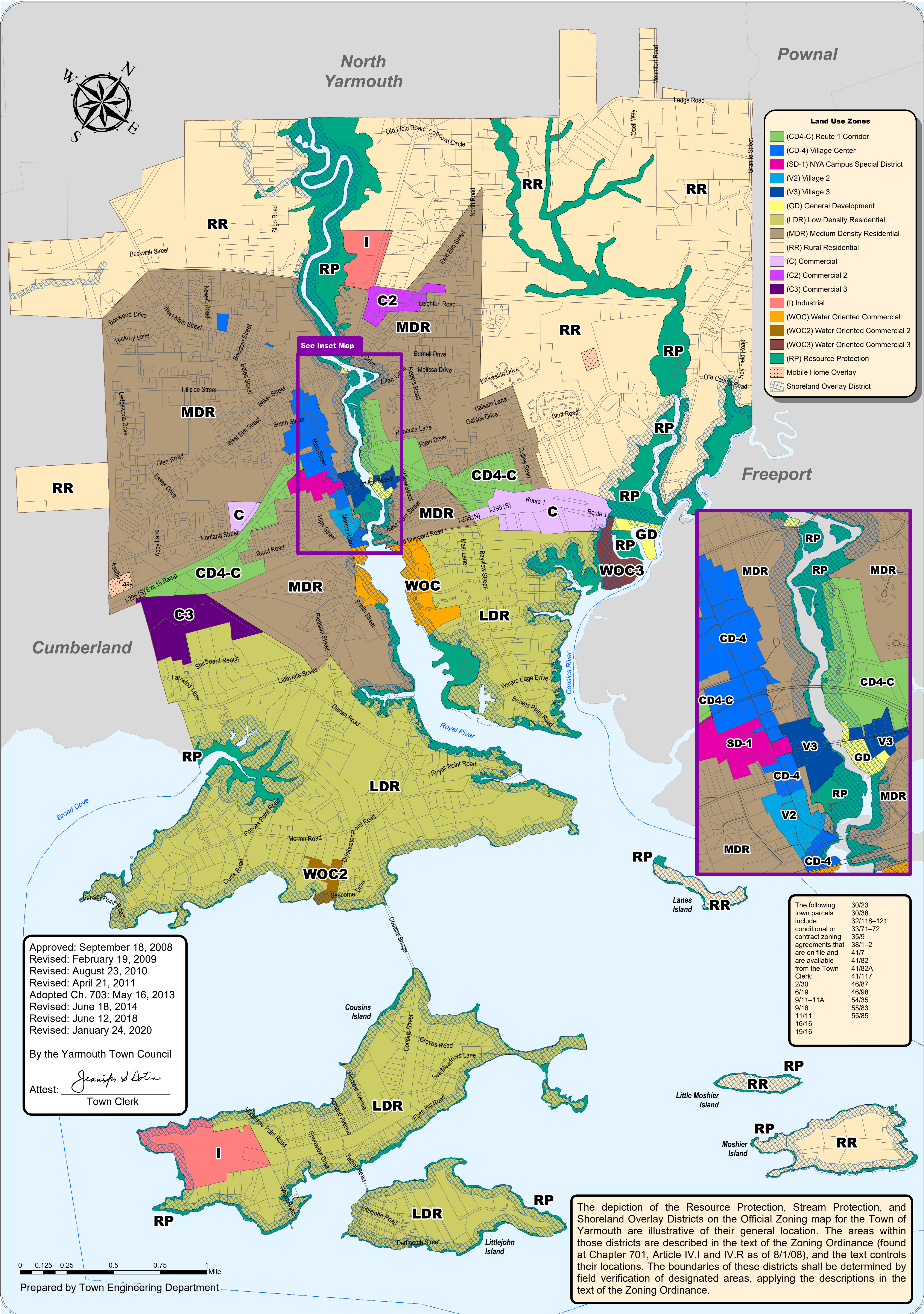
Offer for sale shall mean to sell, offer for sale or adoption, barter, auction, give away or otherwise dispose of a dog or cat.

Pet shop shall mean any place, business, establishment or vehicle required to be licensed under 7 M.R.S. § 3933. Such definition shall not include an animal care facility or animal rescue organization, as defined.

(Ord. No. 40-16/17, 9-7-2016)

Town of Yarmouth Official Zoning Map

Yarmouth Town Code Ch. 701 & 703



6.14

Attachment 4

From: Dan Gallant <DGallant@Yarmouth.me.us>

Sent: Wednesday, August 19, 2020 8:03 AM

To: Wendy Simmons <WSimmons@yarmouth.me.us>

Subject: RE: Request for Comment - Chicken Ordinance - DUE 8/24/20

Section 7: Change “city” (in two places) to “town”

Who is going to enforce the ordinance or check on permits to determine adherence to rules?

Does the town want to allow the sale of eggs, or go strictly non-commercial?

Nothing about revocation of a permit or action to be taken from town if there is a risk to public health or safety, or other violations of law or ordinance. And if the town does have to take action for health/safety, the property/chicken owner should be responsible for costs.



TOWN OF YARMOUTH
INTERNAL MEMORANDUM

TO: Nick Ciarimboli, Code Enforcement Officer
FROM: Steven S. Johnson, Town Engineer
DATE: August 19, 2020
RE: Proposed Amendment to Chapter 701 Keeping of Chickens

Nick:

I have reviewed the draft ordinance amendment to Chapter 701 Article II to allow the keeping of chickens in Yarmouth. Generally, this is a bit out of my wheelhouse from a technical review perspective, but I would offer the following comments to consider.

As written, six (6) hens are allowed on parcels less than a half-acre and twelve (12) for a lot over a half acre. My sense is this is a large flock for such a dense area, and I worry of the impacts on neighbors, even given the requirement of no odors. I would recommend that larger lot sizes should be considered for allowing chicken flocks of these numbers.

Section 3 b 1 allows for a setback of a henhouse from abutting property structures of ten (10) feet. I would recommend that the set back be at least ten (10) feet from a property line to minimize impact to abutter's property. Also, some of the language in this section is a bit redundant to language in section 3a. It may also make sense to address the responsibility of the chicken owner to keep the birds on their property and not free range to other parcels.

I do think consideration of manure management should be incorporated somehow. Chicken manure is fairly potent, both in odor as well as potential water pollution impacts and owners should be responsible for ensuring the at the waste is properly composted such that it does not impact our receiving waters.

Please give me a shout if you have any questions.

Attachment 6 6.16

From: Mike Robitaille <MRobitaille@Yarmouth.me.us>

Sent: Wednesday, August 19, 2020 6:27 AM

To: Wendy Simmons <WSimmons@yarmouth.me.us>; Dan Gallant <DGallant@Yarmouth.me.us>; Karyn MacNeill <kmacneill@yarmouth.me.us>; Nat Tupper <ntupper@Yarmouth.me.us>; Scott LaFlamme <slaflamme@yarmouth.me.us>; Zachary Stoler <zstoler@yarmouth.me.us>

Subject: Re: Request for Comment - Chicken Ordinance - DUE 8/24/20

To All,

Section 7 - Fees and Inspections: Who will enforce this? Change the wording from City to Town. The fees section need to be added to the towns Fees Ordinance?

I'm not sure the town has staff to enforce this annually.

These are my thoughts

Chief Robitaille

TOWN OF YARMOUTH

Yarmouth, Maine 04096

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