

Minutes of the TOCI Planning Board, Thursday September 20, 2012 at 7:15 at the Hall

Present: Sam Birkett, Louise Doughty, Jane Frizzell, Charles Hall and Beth Howe (Chair)
Ron Tozier, CEO

Absent: Mabel Doughty. We are short one member.

Also present: Paul Belesca, Chip Corson, Mark Dyer, Mary Holt and David Stevens.

1. Minutes of the meeting of August 16, 2012

Sam moved, seconded by Jane to accept the minutes of August 16. Passed unanimously.

2. Should Zoning Ordinance Sec 402 on pets, chickens and pigs be amended?

Jane asked what complaints had brought this up. Ron said he had received a complaint about Chip Corson's rooster, and he thought Eric has gotten some others. Eric had asked him to bring this issue to the Planning Board.

Beth said that the complaints had been about the noise of the rooster. This puts us in a somewhat similar position as we are with Hope Island. It would be difficult to regulate the noise from roosters, and would be more suitably dealt with. We have a draft letter to the Selectmen suggesting that the issue of developing a nuisance ordinance.

Ron said he had talked to the Town Attorney about this and she had emphasized that the Zoning ordinance is primarily concerned with land uses and buildings. It is not really concerned with regulating the chickens themselves. This discussion had raised the issue of whether a chicken "coop" is the same as a chicken "house". The wording related to piggeries only covers piggeries with 5 or more pigs. So maybe a "chicken house" is a large-scale operation, different from a "chicken coop".

Ron said he had also talked to Bill Longley in Cumberland. Cumberland's revised Zoning Ordinance has two pages of detailed regulations about the keeping of chickens. No roosters are allowed. They had had problems with the old language on chickens, though they left the old language about other kinds of animals, which allow household pets, horses and "other animals kept for personal use and enjoyment". These provisions are somewhat contradictory since anyone might say that their chickens are pets.

Charles said he has 6 hens and they are pets. He has no rooster because he thinks it is inappropriate in areas where houses are close together. People think that Chebeague is "rural" but many areas of the island are substantially developed and people are close to their neighbors. Cumberland's setback for chicken houses was 10 feet.

Someone asked when the chickens crow. He said it was early in the morning about 5:45 and then again at around 6:00 at night. He said there are several benefits of having a rooster. It herds the hens so that having a pen is not necessary, and having a rooster makes it possible to breed additional chickens. In addition Chebeague has a heritage of farming and fishing.

Charles said that the TOCI's Comprehensive Plan emphasizes the preservation and creation of neighborhoods. The Planning Board should be conservative and help to maintain the character of existing neighborhoods. The East End is a densely settled area. In addition roosters can kill

small animals like kittens. Chip said he still thought it should be possible to have roosters. Charles said he does not think people should do it because it is considerate of one's neighbors.

Louise said that maybe one complaint did not merit changing the ordinance. Mary replied that she had gotten an email as well. Ron said that the noise is the real issue. Mary said she decided not to have roosters, but other people on the island have them. Jane said she would not want a rooster next door.

But Ron said there are several issue here. One is whether to allow roosters. Another is to change the setback for chicken "houses" from 100 feet to something less, so that not every chicken owner on the island is in violation. And finally should we have free range chickens. Beth added that we could consider limiting the number of chickens that could be kept.

Chip asked whether the regulations cover raising chickens as a business. Someone on the island might want to have such a business and we are committed to encouraging local business. Louise said that the Cacoulides certainly have a commercial-scale operation. Ron said they have 125 chickens. But it is not clear whether they sell or just give away the eggs. Mary said she had started with 17 chickens and did sell the excess eggs. This number has been reduced by predation.

Charles said that the new Cumberland ordinance restricts the keeping of chickens to lots larger than 2 acres, though it is possible for someone with a smaller lot to get a license to do so from the Town. Maybe the two acre minimum would work for us.

Charles made a motion, seconded by Louise to require that chicken coops and runs – that is the entire enclosed area for the chickens – be at least 15 feet back from the property lines. This was passed unanimously.

Beth suggested that the Board consider a limit on the number of chickens that could be kept. Someone said there are probably state regulations on the square footage that must be allowed per chicken in commercial operations. Louise said she thought that the standard is something like 3-4 square feet per chicken for the coop. There was a discussion of how many chickens could be kept in spaces of various sizes if this were the standard. In the end, Ron said we really don't want people to have 50 chickens even if they had space. He suggested using the 1.5 acre lot size as a standard and allow, say, up to 10 chickens on lost smaller than 1.5 acres and a maximum of 25 on those 1.5 acres or larger. Louise said you can't put a specific number on how many people could have, though you may encourage them.

Beth asked if we should make clear whether these provisions related to chickens cover only chickens kept for personal use or also chickens kept for commercial use. This was not taken up.

Beth summarized the discussion so far: that there would be no limits on the size of the coop and run, nor on the number of chickens kept. What about free range? Ron suggested that chickens could be free range, but only on the owner's property. Everyone agreed to this.

This brought the discussion back to the issue of the noise from roosters. Louise said she thought the crows are noisier. David Stevens said he didn't think the noise from a rooster was very great. Beth said that the present ordinance language says nothing about roosters. Louise suggested it

remain that way. Ron asked Charles whether he wanted to make a motion about the noise. Charles had mentioned the Comprehensive Plan earlier and Ron thinks this is an important issue. There are many parts of Chebeague where houses are close together. It is important to consider your neighbors.

Jane moved that roosters be allowed only on lots larger than two acres. Seconded by Charles. The vote was 3 to 2 in favor of the motion. Jane moved, seconded by Charles that on the two acre or larger lots, the setback for the chicken coop and run should be set at 100 feet from the property line rather than the 15 feet just adopted. This motion was defeated 3-2.

Beth asked whether the Board wished to change the wording of any of the other provisions in the section on Animals. Section 402.1 and 402.2 allow people to keep pets and horses. Section 402.3 says that “Animals other than horses or household pets may be kept for personal use and enjoyment in all districts”. This means that anyone can keep a rooster if it is a pet. There was discussion of the kinds of animals that people might keep – snakes, for example. But there was no motion to change Sections 402.1 – 402.3.

Beth asked if people wanted to make any changes in the wording related to piggeries. Everyone agreed that they are more likely to be smelly, so the setback should remain at 100 feet.

Since it was 9:00, Beth suggested not beginning on any other issue at this meeting. She handed out two items that she had been asked to draft at the last meeting. One is a letter to the Selectmen about developing a nuisance ordinance. The other is a draft of new regulations for earth and mineral extraction. In addition the issue of revising the provisions on site plan review still remains to be done.

Respectfully submitted,

Beth Howe