

**Town of North Berwick Ordinance Amendments FY18**

**Question #1: Shall an ordinance entitled, “An Ordinance Adding a new Section 5.2.22 and Amending Sections 3.2 Definitions and 4.3 Land Use Table of the Zoning Ordinance to allow domesticated chickens in all zones, except the shoreland zones, provided that certain performance standards are met” be enacted?**

**Question #2: Shall an ordinance entitled, “An Ordinance Amending Section 6.1.7 and deleting the definition of a Category 3 survey under Section 3.2 of the Zoning Ordinance thereby amending building permit approval for buildings with foundations into two parts; first part a foundation permit and second part a building permit for the structure itself once certification from surveyor is provided showing all setback requirements have been met” be enacted?**

**Question #3: Shall an ordinance entitled, “An Ordinance Amending Section 5.2, 6.3, 7.2 and 8.2 of the Subdivision Ordinance to require the submission of a digital copy of a proposed subdivision plan along with the required paper copies” be enacted?**

***Note: New language is underlined and deleted language is struck through.***

**Question #1: Shall an ordinance entitled, “An Ordinance Adding a new Section 5.2.22 and Amending Sections 3.2 Definitions and 4.3 Land Use Table of the Zoning Ordinance to allow domesticated chickens in all zones, except the shoreland zones, provided that certain performance standards are met” be enacted?**

**ADD TO ARTICLE 3.2 DEFINITIONS**

**Chicken** - Common domesticated fowl (*Gallus domesticus*) widely raised for meat and eggs.

**ADD TO ARTICLE 4.3 LAND USE TABLES:**

**Article 4.3 Land Uses Table - Pages 4-11A & 4-11E**

**LAND USES**

KEY: NO = Not permitted YES = Permitted NA = Not Applicable CU = Conditional Use Permit Required  
 CEO = Code Enforcement Officer Permit Required (see Section 6.8 for details of Planning Board and CEO reviews)

	Village Center	Village A,B	Resrce protect	Shore'l'd Lim.Res	Shore'l'd Stream	Shore'l'd General	Residen Dists.	Farm/ Forest	Commc'l Dist.	Commc'l II	Indust. Dist.
<b>RURAL</b>	YES	YES	CEO	CEO	CEO	YES	YES	YES	YES	YES	YES
Agriculture: Non-livestock, nurseries, gardening	YES	YES	CEO	CEO	CEO	YES	YES	YES	YES	YES	YES
Agriculture: livestock	NO	CEO	CEO	CEO	NO	NO	CEO	YES	CEO	CEO	CEO
<u>Agriculture: chickens</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
Animal breeding or care	NO	CEO	NO	NO	NO	NO	CEO	CEO	NO	NO	NO
Seasonal sale of produce & plants raised locally	YES	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES
Private recreational facilities including parks, playgrounds, golf courses, driving ranges, & swimming pools, but excluding campgrounds	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	NO

**Note: New language is underlined and deleted language is struck through.**

Publicly owned Recreational Facilities	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Campgrounds	NO	NO	NO	CU	NO	NO	CU	CU	NO	NO	CU	
Timber Harvesting	NO	CU	CU	CU	CU	NO	YES	YES	NO	NO	YES	
Earth Removal	NO	NO	NO	CU	NO	NO	CU	CU	CU	CU	CU	
Harvesting of wild crops for profit (Timber harvesting not included)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Kennels	NO	NO	NO	NO	NO	NO	CU	CU	NO	NO	NO	
Boarding kennels	NO	NO	NO	NO	NO	NO	NO	CU	NO	NO	NO	
Veterinary Clinics	NO	NO	NO	NO	NO	NO	CU	CU	NO	NO	NO	
<b>RESIDENTIAL</b> Single family dwelling	YES	YES	NO	CEO	NO	CU	YES(1)	YES(1)	CU	YES	NO	
Two family dwelling	YES	YES	NO	CU	NO	CU	YES(1)	YES(1)	CU	YES	NO	
Affordable 1 & 2 family dwellings(4)	NO	CU(3)	NO	NO	NO	NO	NO	NO	CU	CU	NO	
Multi family dwelling (4)	YES(4)	CU(4)	NO	CU	NO	CU(4)	CU(1)	CU(1)	CU	CU	NO	
In-Law Accessory Apartment	CU	CU	NO	CU	CU	CU	CU	CU	CU	CU	NO	

4-11A

Village Center	Village A,B	Resrce protect	Shorel'd Lim.Res	Shorel'd Stream	Shorel'd General	Residen Dists.	Farm/ Forest	Commc'l Dist.	Commc'l II	Indust. Dist.
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<b>SHORELAND</b>	CU	CU	CU	CU	NO	CU	CU	CU	YES	YES	YES
Boathouses	CU	CU	CU	CU	NO	CU	CU	CU	YES	YES	YES
Piers and docks	CU	CU	CU	CU	CU	CU	CU	CU	NA	CU	NA
Forest management, except marketing	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Commercial & Industrial facilities which by nature of their operation require shore front location, such as boatyards, marinas, etc.	CU	CU	NO	CU	NO	CU	CU	CU	NA	NO	NA
Shoreland agriculture	CU	CU	CU	CU	CU	CU	CU	CU	NA	CU	NA
Shoreland clearing	CU	CU	CU	CU	CU	CU	CU	CU	NA	CU	NA
Shoreland filling, grading, lagooning, dredging or other earthmoving activity	CU	CU	CU	CU	CU	CU	CU	CU	NA	CU	NA

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Shoreland timber harvesting	CU	CU	CU	CU	CU	CU	CU	CU	NA	CU	NA
<b>MISCELLANEOUS</b>	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Signs											
Billboards	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Uses accessory to permitted uses	YES	YES	CU	YES	CU	CU	YES	YES	YES	YES	YES
Structures accessory to permitted uses	YES	YES	CEO	YES	CEO	CEO	YES	YES	YES	YES	YES
Uses similar to permitted uses	CU	CU	CU	YES	CU	CU	CU	CU	YES	YES	YES
Structures accessory to uses which are similar to permitted uses	CU	CU	CU	CEO	CU	CU	CU	YES	YES	YES	YES
Uses accessory to conditional uses	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Structures accessory to conditional use	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Uses similar to conditional uses	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Structures accessory to uses which are similar to conditional uses	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Non-intensive recreational uses	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Uses Bordering Town Lines	NO	CU	CU	NO	NO	CU	CU	CU	NO	CU	CU

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**ADD THE FOLLOWING NEW SECTION TO ARTICLE 5 – PERFORMANCE STANDARDS**

**ARTICLE 5.2.22 CHICKENS**

The purpose of this section is to provide standards for the keeping of chickens (Gallus domesticus). This section is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

**A. Keeping of chickens**

1. Six (6) chickens shall be allowed per single-family property for each 40,000 sq. ft. of lot size.
2. In all multi-family complexes, chickens shall be allowed only with the written consent of all dwelling unit owners or tenants and the property owner.
3. On single-family and multi-family lots having more than 40,000 sq. ft., for each additional 40,000 sq. ft. of lot area, an additional 6 chickens may be kept.
4. Only female chickens are permitted. No male chickens (roosters) are permitted.
5. All properties zoned Farm and Forest do not have to meet the requirements listed above.

**B. Enclosures** - Chickens must be in an enclosed, secure facility (i.e. henhouse, coop, pen) at all times. At no time shall chickens be kept in dwellings or in attached accessory structures. Facilities for keeping chickens shall be designed, constructed, and located on the site in the rear of the property and shall not be located within ten (10) feet of the rear or side property line. Facilities shall be located on the site in a manner that will minimize the adverse effects upon the surrounding properties and shall provide safe and healthy living conditions for the chickens. Among the factors that shall be considered in determining whether such facilities are placed on the property in a manner that will minimize the adverse effects of such facilities on surrounding properties are: the relationship of the use to the topography; natural and planted horticultural screening; the direction and intensity of the prevailing winds; the relationship and location of residences and public facilities on nearby properties' and other similar factors. In those instances where there is insufficient area to the rear of the property for enclosures, the Code Enforcement Officer may issue a permit for the enclosures to be located in the front of the property provided that the standards contained herein and all applicable zoning setbacks for the Zoning District are met.

**C. Waste storage and removal** - Provision shall be made for the storage and removal, or composting of chicken manure.

***Note: New language is underlined and deleted language is struck through.***

**D. Odor and noise** - All other relevant "good neighbor" performance standards in this Ordinance (such as for noise and odor) shall also be observed.

- a. Odors from chickens, chicken manure, or other chicken-related substances should not be perceptible beyond their property boundaries.
- b. Noise from chickens shall not be a disturbance to abutters.

*Intent: To allow domesticated chickens in all zones, except shoreland zones, and to provide performance standards for the keeping of the chickens.*

**Question #2: Shall an ordinance entitled, "An Ordinance Amending Section 6.1.7 and deleting the definition of a Category 3 survey under Section 3.2 Definitions of the Zoning Ordinance thereby amending building permit approval for buildings with foundations into two parts; first part a foundation permit and second part a building permit for the structure itself once certification from a surveyor is provided showing all setback requirements have been met" be enacted?**

**CURRENTLY READS:**

**6.1.7** For construction of a principal or accessory building, application for a building permit must include a plot plan showing the location of proposed and existing structures to assure that setback requirements are satisfied, and a category 3 survey will be required from the applicant or contractor when the footing is inspected. No construction shall be placed upon the footing until the footing has been inspected.

**PROPOSED TO READ:**

**6.1.7** For the construction of a principal or accessory building ~~application for a building permit must include a plot plan showing the location of proposed and existing structures to assure that setback requirements are satisfied, and a category 3 survey will be required from the applicant or contractor when the footing is inspected. No construction shall be placed upon the footing until the footing has been inspected.~~ with a foundation, permit approval shall be granted in two parts: a foundation permit and a building permit. A foundation permit shall be issued by the Code Enforcement Officer upon approval of the building permit application and plans. The building permit shall be issued for the structure upon submission of written documentation from a Maine certified land surveyor to the

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Code Enforcement Officer showing compliance with the Zoning Ordinance setback requirements. The written documentation shall include a plan stamped by the Maine certified land surveyor which is sufficiently detailed to show that all setback requirements are met and accurately shows the location of all structures on the property. Any building construction, other than foundation (footings, floor and walls), completed prior to submission of surveyor documentation or building permit issuance shall be deemed in violation of this ordinance pursuant to Article 6.7 and subject to fines.

**DELETE THE FOLLOWING DEFINITION IN ARTICLE 3.2 DEFINITIONS:**

~~**Category 3 survey:** A survey done by a registered land surveyor, comparable to a mortgage loan inspection survey, which verifies that property boundaries can be located, and which accurately shows the location of all buildings. The survey is sufficiently detailed to show that all zoning requirements are met, and includes an examination of the current deed of the parcel.~~

*Intent: Amending building permit approval for buildings with foundations into two parts; first part a foundation permit and second part a building permit for the structure itself once certification from a surveyor is provided showing all setback requirements have been met.*

**Question #3: Shall an ordinance entitled, “An Ordinance Amending Section 5.2, 6.3, 7.2 and 8.2 of the Subdivision Ordinance to require the submission of a digital copy of a proposed subdivision plan along with the required paper copies” be enacted?**

**ARTICLE 5.2 CURRENTLY READS:**

**5.2 Submissions.** The pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The Sketch Plan, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development, in sufficient detail to allow a meaningful on-site inspection. It is required that the sketch plan be superimposed on or accompanied by a copy of the U.S.G.S topographic map of the area showing the outline of the proposed subdivision.

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**PROPOSED TO READ:**

**5.2 Submissions.** The pre-application Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots and other features in relation to existing conditions. The Sketch Plan, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development, in sufficient detail to allow a meaningful on-site inspection. It is required that the sketch plan be superimposed on or accompanied by a copy of the U.S.G.S topographic map of the area showing the outline of the proposed subdivision. A digital copy of the sketch plan shall be submitted.

**ARTICLE 6.3 CURRENTLY READS:**

**6.3 Submissions.**

a. The subdivision plan for a Minor Subdivision shall consist of one reproducible, stable based transparent original to be recorded at the Registry of Deeds, and two copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted.

**PROPOSED TO READ:**

**6.3 Submissions.**

a. The subdivision plan for a Minor Subdivision shall consist of one reproducible, stable based transparent original to be recorded at the Registry of Deeds, and two copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. ~~Three~~ Two copies of all information accompanying the plan shall be submitted along with one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information.

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**ARTICLE 7.2 CURRENTLY READS:**

**7.2 Submissions**

b. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than seventy-five acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan shall be reduced. The following information shall be shown on the Preliminary Plan or shall accompany the plan for preliminary approval:

**PROPOSED TO READ:**

**7.2 Submissions**

b. Preliminary Plan. The Preliminary Plan shall be submitted in ~~three~~ two copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than seventy-five acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, ~~one copy of the plan shall be reduced~~ one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information shall be submitted. The following information shall be shown on the Preliminary Plan or shall accompany the plan for preliminary approval:

**ARTICLE 8.2 CURRENTLY READS:**

**8.2 Submissions**

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border one on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based originals to be submitted, one to be recorded at the Registry of Deeds, and the second to be submitted to the Planning Board for file, in addition two copies of the Final Plan shall be submitted. Also required one copy of the Final Plan reduced. The application for approval of the Final Plan shall include the following information:

**PROPOSED TO READ:**

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## 8.2 Submissions

The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than seventy-five acres may be drawn at a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border one on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based originals to be submitted, one to be recorded at the Registry of Deeds, and the second to be submitted to the Planning Board for file, in addition two copies of the Final Plan shall be submitted. ~~Also required one copy of the Final Plan reduced.~~ Two copies of all information accompanying the plan shall be submitted along with one (1) copy of an 11x17 reduced size plan and a digital copy of the plan, application and information. The application for approval of the Final Plan shall include the following information:

*Intent: Amend the Subdivision Ordinance submission requirements to include the submission of a digital copy of a proposed subdivision plan along with the required number of paper copies.*

*Note: New language is underlined and deleted language is struck through.*