

From: [Kendra Amaral](#)
To: [All Town Councilors](#)
Cc: [Jillian Richards](#)
Subject: FW: [kitteryme] chickens (Sent by Martha Mason, mmason421@gmail.com)
Date: Sunday, March 24, 2024 7:10:16 PM
Attachments: [image001.png](#)
[Disturbing the peace.pdf](#)

Dear Town Council,

Martha consented to me share our email exchange with you regarding the Fowl ordinance. She plans to be at the Workshop tomorrow night, so I interpret her consent as being for a direct share rather than posting our email thread online as public comment.

As of tonight, we have two written public comments for the Workshop and no zoom registrants. I understand a number of people will be attending in person.

I will post the public comment for both the workshop and Council meeting tomorrow after noon and will send you the PDFs directly.

Please remember if you receive public comment that you intend to share during the meeting please forward it along so we can get it incorporated into the record.

Thank you,
Kendra

From: Kendra Amaral
Sent: Friday, March 22, 2024 12:50 PM
To: Martha Mason <mmason421@gmail.com>
Subject: RE: [kitteryme] chickens (Sent by Martha Mason, mmason421@gmail.com)

Thanks Martha. These are great questions and feedback. May I provide your email to the Council or will you be sending something separate?

I agree, sometimes using just a size qualifier (like 1 acre) doesn't allow for the nuance of what and who the abutters are. If you are abutted predominately by forest or open space, the only neighbors you may be impacting are wildlife. We try to draft local ordinances in a way that is fair across the board, but inevitably one size never really fits all.

We use the qualifiers of perceptible noise and odor at the property boundary to minimize the Town from becoming pawns in neighbor disputes. You'd be surprised how much time our Police Officers, Code Enforcement Officers, me and Council spend being drawn into neighbor arguments that are not really an official Town matter. Neighbors try to use us to harass and

antagonize each other. It's part of the job, but arguably one of the bad parts. The language of "perceptible noise at the boundary" provides a clear parameter of where our involvement is limited to, and what it is limited to. Our staff have to be able to experience the offending situation themselves standing at the complainant's property line.

§16.1.13. (see attached) also address noise, but at a more sustained level. It was designed to address incessant dog barking. I'll see if the Council would be willing to simply tie to §16.1.13 instead of something specific to fowl; it weakens the provisions for noise control for fowl, but on the flip side makes it consistent with other pets (namely dogs).

6.1.15.3.C we identified as a commonality among other municipal chicken ordinances in Maine. It clarifies responsibility in the case of disputing neighbors end up in court over lost flock due to domestic predators (out-side cats, or dog that got loose). Again, not a perfect system, but we try to build in as many "belts and suspenders" as we can. Certainly something the Council can consider removing.

Again, I appreciate the questions and feedback. I do hope you tune in and/or participate on Monday. I know the Council is approaching this with an open mind and a willingness to do right across the board.

Thank you again!

Kendra



Kendra Amaral

Town Manager
Town of Kittery

She/her/hers

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From: Martha Mason <mmason421@gmail.com>

Sent: Thursday, March 14, 2024 3:17 PM

To: Kendra Amaral <KAmaral@kitteryme.org>

Subject: Re: [kitteryme] chickens (Sent by Martha Mason, mmason421@gmail.com)

Thanks Kendra.

I would say my biggest concern would be the 1 acre lot size to have a rooster. As I am sure you have heard, a rooster can be an important protector of a flock. Personally, my lot is only .13 acres. However 1/3 of my property abutters is forest and in the Residential Rural zone. My property is part of the R-KPV zone. In fairness, I did ask my neighbors when I got my chickens and they all agreed so I would be frustrated if I couldn't have a rooster. I can hear a neighbor's rooster from down the road (maybe 1/4 mile?) It's not loud, but sound carries, so I'm not sure designating an area, like 1 acre, is fair, nor helpful. I wonder if using the city densely populated zones might be more helpful in addressing the areas of concern.

I also wondered about 6.1.15.3(A) in regards to Maintenance - *The fowl enclosure must be kept clean, neat, and in a sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to perceptible noise and odor at the property boundary, or other adverse impacts directly related to the keeping of fowl.* I don't quite understand this as written. How does "perceptible noise" pertain to maintenance of an enclosure? I'm wondering if this is 2 issues? Also what is "perceptible noise"? It is not uncommon for some hens to sing an "egg song" when they have laid an egg. (they are very silly creatures).

And lastly 6.1.15.3 (C). I'm not sure this paragraph is necessary. I think most flock owners try to keep their flocks as safe as possible, they are in investment after all. I am forever battling mice in my house, let alone my coop. And it would seem to me that if someone else's dog or cat came onto private property and did injury to a flock, the onus would be on the owner of the owner of said animal?

Thank you for considering my input and for tackling what might be a sticky issue.

Martha

On Thu, Mar 14, 2024 at 2:31 PM Kendra Amaral <KAmaral@kitteryme.org> wrote:

Thank you Martha. In terms of feedback/input, yes to all please! I'm happy to take your thoughts in advance and you can also bring them to the workshop.

Thank you again for reaching out and being engaged.

Kendra

From: Martha Mason <mmason421@gmail.com>

Sent: Thursday, March 14, 2024 2:18 PM

To: Kendra Amaral <KAmaral@kitteryme.org>

Subject: Re: [kitteryme] chickens (Sent by Martha Mason, mmason421@gmail.com)

Hi Kendra

I can see that thought was put into this ordinance. I do have a couple of concerns. Should I hold my input/feedback for the Workshop? or would it be helpful to have some input early?

Thank you for your help and time.

Best,

Martha

On Mon, Mar 11, 2024 at 2:12 PM Kendra Amaral <KAmaral@kitteryme.org> wrote:

Hi Martha,

Thanks so much for reaching out about this. I suspect it is going to be a hot topic and am hopeful people tune into the process and share their thoughts with the Council on it.

The Council has asked for an ordinance to address complaints they have been receiving about chickens and roosters. On their direction, staff drafted a Fowl Ordinance. The first draft of the ordinance was posted with the Council packet for their February 26 meeting, at which they scheduled a workshop for public input on March 25 at 5PM in Council Chambers. I've attached the information to this email or you can visit the Council webpage by [clicking here](#) and then selecting the February 26 meeting packet.

Have you signed up for E-Alerts from the Town? It's a great way to know what's coming up, get access to detailed information, and just generally be aware of all that we are doing. For example, when we post the agenda and materials for the March 25 workshop, E-Alert subscribers will get an email and link to the information. If you are not currently signed-up and wish to be, just click on [this link](#).

If you have any questions on the Fowl Ordinance please don't hesitate to call or email back.

Thank you,

Kendra



Kendra Amaral

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From: Contact form at kitteryme <cmsmailer@civicplus.com>

Sent: Monday, March 11, 2024 1:45 PM

To: Kendra Amaral <KAmaral@kitteryme.org>

Subject: [kitteryme] chickens (Sent by Martha Mason, mmason421@gmail.com)

Hello kamaral,

Martha Mason (mmason421@gmail.com) has sent you a message via your contact form (<https://www.kitteryme.gov/user/28/contact>) at kitteryme.

If you don't want to receive such e-mails, you can change your settings at <https://www.kitteryme.gov/user/28/edit>.

Message:

Hi Kendra

I hope you're well! I am curious what is happening with chicken ownership in Kittery? I know there is been discussion about it. I have looked on the website but couldn't find an information about what that discussion is and/or if it will be coming up for discussion to the town council?

I apologize if I missed in in my search online.

Thank you for your help.

Best,

Martha

§ 6.1.13. Disturbing the peace.

No owner or responsible party may keep or maintain a pet which creates a nuisance by continued or repeated barking, howling, yelping, or making of other loud or unusual noises for a half hour or intermittently for two hours, and can be heard at or beyond the boundary of the property on which the pet is located.

From: [Tiana Holt](#)
To: [Town Comments](#)
Subject: Chicken Ordinance Workshop
Date: Friday, March 22, 2024 10:22:12 AM

Hello,

I am not able to attend the workshop on Monday and I am not sure if I will be able to participate via Zoom due to internet connection, so I was hoping my comments below could be taken into consideration:

I am writing in regards to the proposed ordinance banning ownership of roosters if you have fewer than 9 chickens. Roosters are assets to a flock, providing protection for hens. I have had roosters as part of my flock in the past and have significantly fewer losses to hawks and predators when a rooster is present. Banning roosters in a town that claims to want to preserve local farms and food producers would be a direct contradiction. I believe prohibiting roosters on property lots less than one acre would be excessive, as lots smaller than one acre are able to sustain roosters depending on the setting. I agree that the noise from roosters can be a nuisance in congested areas and their ownership may not be appropriate in the Village or the Foreside on small lots, however the noise of Shipyard traffic, motorcycles, dogs barking at all hours, people, construction, etc in these areas are more disruptive and less natural than a rooster crow.

The ordinance, as currently written, would affect the Kittery Point Village zone in the same way as it would affect the Residential Urban zones and Mixed Use Zones, despite agriculture being a permitted use in the Kittery Point Village. I do not think it is fair to treat the Kittery Point Village zone as in the same league as the others. Many of the streets in the KP Village have wooded lots set back from neighbors and are appropriate properties to raise fowl, including roosters. I am in the KP Village Zone and can hear at least 4 roosters in proximity to me, so I know that I would not be the only resident affected by this ordinance. I do not currently have a rooster but that is by chance, not by design, and I would not want to be barred from owning one in the future because we live on slightly less than an acre.

Some questions I have in regard to this ordinance and that will need to be addressed by the council prior to implementation:

- Will current rooster owners be permitted to keep their existing birds if the ordinance should apply to them?
- If I start with a flock of 15 birds, including a rooster, and over time lose enough birds to drop below 10 chickens, would I then also have to get rid of a rooster?

I believe the current ordinances regarding the care of fowl to be sufficient as they ensure proper enclosures and maintenance. Restricting the type of birds that can be owned by backyard farmers is an overstep. As evidenced by the town of Eliot's voting in 2021, a ban on roosters would be unpopular and would go

against the values of our town. Please do not implement these proposed changes.

Thank you,
Tiana DiNola

Foyes Lane, Kittery Point

From: [Brian Early](#)
To: [Town Comments](#)
Subject: Concerns with Title 6 Revisions
Date: Monday, March 25, 2024 8:17:48 AM

Dear Town Council,

I have concerns about the draft revisions to Title 6, the subject of the March 25 workshop.

These proposed changes, especially the prohibition of roosters on property size less than an acre and the requirement that fowl must be contained within an enclosure during daytime hours, are concerning. What's concerning is that these proposed changes will affect the town as a whole, even where there are no issues/complaints, such as where we live. Living next to the woods, a rooster protects the flock from foxes and other predators. He also is essential to fertilizing the eggs to help us be more self-sufficient in maintaining our flock and future flock generations and providing our family food.

While I sympathize with our friends and neighbors in the Dionne Avenue neighborhood, it appears, based on town records, that the complaints of chickens and roosters are limited to a handful of properties at most. This proposed ordinance would be a sweeping change.

Thank you,
Brian Early
123 Rogers Road

From: [Nikolas Franks](#)
To: [Town Comments](#)
Subject: Fowl ordinance
Date: Monday, March 25, 2024 11:44:29 AM

Good evening chairwoman Spiller, town council, town manager and the public of Kittery. My name is Nikolas Franks and I reside at 72 Foyes Lane with my wife and three young children. We have owned chickens on and off since 2016 and I have a couple of concerns regarding the newly proposed fowl ordinance. The first concern is strictly defining enclosures for fowl. Chicken enclosures come in many forms, a common one being the portable chicken “tractor”. These small portable chicken coops allow the birds to be safely moved from area to area scratching the ground and eating ticks and other bugs, leading to happy hens and fewer bug pests. Qualifying small chicken coops as buildings would put undue limitations and restrictions on their usefulness.

My second concern is the proposed limitation of roosters. I understand that their crowing can be an annoyance, as our neighbors can attest to, and we have had to problem solve this with our immediate community, but roosters play an important role in raising a happy flock of birds. In addition to providing security and fertilization to the hens, the idea that non-commercial fowl owners would be require to dispose of any roosters that may come down the line is rather cruel to both the resident and the bird. Most people who buy chicks will purchase them “sexed” meaning they receive only hens, but this is never 100% accurate and over the years we have had a few roosters sneak into the ranks. We have had to dispose of roosters ourselves due to aggressiveness or disruption to the neighbors, but a blanket ban on them is rather strong for an entire community such as Kittery.

It is my hope that we are able to responsibly raise fowl in Kittery and resolve issues with neighbors without inappropriately stringent ordinances from the town.

Thank you for your careful thought in this matter and your continued dedication in supporting our town.

-Nikolas Franks

From: [s_meehan123](#)
To: [Town Comments](#)
Subject: Town Council Workshp Title 6 - Fowl Comment
Date: Saturday, March 23, 2024 9:54:33 AM

To Whom It May Concern:

I am a resident of the Village and directly abut a property that has had chickens for at least 5 years.

My neighbor is on their third or fourth rooster in that time period. When myself and multiple neighbors have asked them to remove the rooster they will do so, but then acquire a new rooster soon after. There is currently a rooster on the property now.

To say a rooster is a disruption is an understatement. Roosters do not just crow at dawn. They crow at all hours of the day and night. Two of my bedrooms face directly toward the chicken coop and during warmer months it is necessary to close our windows to dull the noise in order to sleep.

In addition to roosters being an issue, rodents are also a problem. I have had to engage an exterminator (at \$500 a year) to help keep mice out of my house. I have found rats on my property, digging tunnels into the chicken coop. I once found a dead rat in my child's beach bucket that had been left outside.

The chicken coop sits directly against my fence. In the summer I find it difficult to enjoy my yard due to the odor of the chicken coop, the amount of insects drawn to it, the sometimes visible rodents and the noise of the rooster.

Besides asking the police if there were any laws against chickens, I have not filed any complaints because I was trying to keep the peace with my neighbors. However, with this ordinance under review, I feel as though I need to say how my neighbor's chicken coop, roosters and rodent problems have had and continue to have a negative impact my on the quality of my life and enjoyment of my property.

I urge the town to not only adopt this ordinance but to also make sure that this ordinance can be and will be enforced.

Shannon Meehan
12 Halstead Street
Kittery, Maine.