

## WARRANT FOR SPECIAL TOWN MEETING

19 May 2010

GREETING: You are hereby required in the name of the State of Maine to notify and warn the Inhabitants of the Town of Topsham, qualified to vote on Town Affairs, to assemble at Mt. Ararat High School on the 19<sup>th</sup> day of May, 2010 A.D. at 7:00 o'clock p.m. Daylight Savings Time and then and there to act on Articles 1 thru 27 to wit:

**Article 1** – To elect a **Moderator** to preside at said meeting.

Robert Lenna

**Article 2** – To have the Town vote to raise, appropriate and spend the sum of **\$1,506,513** for Debt Service.

	<u>2010-11 Selectmen Recommendation</u>	<u>Allocation</u>
Topsham Public Library	\$ 129,750	Taxation
Monument Place Extension	\$ 15,000	Impact Fees
	\$ 205,241	Municipal TIF
Municipal Building	\$ 276,744	Frost St/By-Pass TIF
	\$ 662,178	Taxation
Municipal Building/Sidewalk	\$ 40,930	Bond Reserve
	<u>\$ 176,670</u>	<u>Taxation</u>
	<b>\$ 1,506,513</b>	<b>TOTAL</b>

Passed

**Article 3** – To see what sum the Town will vote to spend for **General Government** under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<u>2009-10 Approved Appropriation</u>	<u>2010-11 Selectmen Recommendation</u>
General Government		
1. Administration	\$ 284,681	\$ 289,514
2. Municipal Officers	\$ 18,114	\$ 18,569
3. Finance Manager	\$ 65,258	\$ 64,650
4. Central Services	\$ 103,855	\$ 99,500
5. Tax/Clerk	\$ 210,386	\$ 219,351
6. Codes	\$ 67,821	\$ 65,000
7. Assessing	\$ 146,053	\$ 145,632
8. Elections/Registration	\$ 8,340	\$ 6,030
9. Planning Office	\$ 210,809	\$ 211,360
10. Economic Development	\$ 95,890	\$ 92,650
11. Municipal Insurance	\$ 81,200	\$ 76,500
12. Facilities Maintenance	\$ 150,490	\$ 148,844
13. Parks & Recreation	\$ 342,335	\$ 337,026
14. Library	\$ 360,127	\$ 364,448
15. General Assistance	\$ 63,375	\$ 64,466
16. Contracted Services	\$ 184,150	\$ 119,850
17. Public Utilities	<u>\$ 265,725</u>	<u>\$ 279,000</u>
<b>TOTALS</b>	<b>\$ 2,658,609</b>	<b>\$ 2,602,390</b>

2010-11 Selectmen  
Recommendation

\$ 259,120  
\$ 664,408

Allocation

Municipal TIF  
State Revenue Sharing

\$ 447,502	General Revenue
\$ 170,000	Homestead Exemption
\$ 15,000	BETE Reimbursement
\$ 1,046,360	Taxation
\$ 2,602,390	<b>Total</b>

Passed

**Article 4** – To see what sum the Town will vote to spend for the **Capital Projects Fund** under the following accounts and to see what sum the Town will vote to raise and appropriate from reserves, and spend for the same:

**Capital Program to Raise, Appropriate from Reserves, and Spend**

	2009- 2010 Approved Appropriation	2010-11 Selectmen Recommendation		
		Raise	Spend	
<b>Public Works</b>				
Truck (Plow)	\$ 30,000	\$140,000 0	\$140,000 0	Did not pass
Road Construction	\$200,000	\$200,000	\$200,000	passed
Bay Park Drainage	\$ 0	\$123,000	\$123,000	passed
Sidewalk Drainage	\$ 6,000	\$ 0	\$ 0	
<b>Police</b>				
2 Veh. Replacements	\$ 25,000	\$ 52,000	\$ 52,000	passed
<b>EMS</b>				
Rescue #2 Replacement	\$ 20,000	\$ 30,000	\$160,000	passed
Cardiac Monitor	\$ 28,000	\$ 0	\$ 0	
<b>Fire</b>				
Service Veh. Replacement	\$ 0	\$ 30,500	\$ 30,500	Amended \$20,000 - passed
Air Pack Replacement	\$ 50,000	\$ 50,000	\$150,000	passed
<b>Library</b>				
#2 Fuel to Gas Conversion	\$ 0	\$ 0	\$ 5,000	passed
<b>Solid Waste</b>				
Compactors	\$ 10,000	\$ 0	\$ 0	
<b>Totals</b>	<b>\$369,000</b>	<b>\$625,000</b> <b>\$475,000</b>	<b>\$860,500</b> <b>\$710,000</b>	Passed

Amended Article 4 to vote line items, line by line for all elements of Article 4.

2010-2011 Selectmen Recommendation	Allocation
\$ 51,000	Misc. Capital Reserves
\$235,000 \$84,500	Targeted Capital Reserves
\$496,646	Taxation
\$ 77,854	Bypass North TIF
<b>\$860,500 \$710,000</b>	<b>Total</b>

Passed

**Article 5** - To see what sum the Town will vote to spend for **Public Safety** under the following accounts and to see what sum the Town will vote to raise and appropriate for the same:

	<b>2009-10 Approved Appropriation</b>	<b>2010-11 Selectmen Recommendation</b>
Police Protection	\$1,300,067	\$1,283,306
FireProtection/Rescue	\$ 538,288	\$ 546,918
<b>TOTALS</b>	<b>\$1,838,355</b>	<b>\$1,830,224</b>

<b>2010-11 Selectmen Recommendation</b>	<b>Allocation</b>
\$ 369,000	General Revenues
\$ 400,000	Surplus
\$1,061,224	Taxation
<b>\$1,830,224</b>	<b>Total</b>

Passed

**Article 6** – To see what sum the Town will vote to spend for **Public Works, Solid Waste and Recycling Program** under the following accounts and to see what sum the Town will vote to raise and appropriate for the same: (The Public Works Department is authorized to spend funds from this article in support of Capital Projects.)

	<b>2009-10 Approved Appropriation</b>	<b>2010-11 Selectmen Recommendation</b>
Public Works	\$1,112,866	\$1,099,493
Solid Waste/Recycling	\$ 423,081	\$ 394,455
<b>TOTALS</b>	<b>\$1,535,947</b>	<b>\$1,493,948</b>

<b>2010-11 Selectmen Recommendation</b>	<b>Allocation</b>
\$1,493,948	General Revenues
<b>\$1,493,948</b>	<b>Total</b>

Passed

**Article 7** – To see what sum of money the Town will vote to spend for the Community Development Plan for 2010-2011 and to see what sum the Town will vote to raise and appropriate for the same. The Community Development Work Plan makes the following recommendation regarding the equivalent of 5% of the revenue generated in the municipal TIF district, be set aside to fund community projects that enhance quality of life. Completion and connection of pedestrian and bicycle trails remains the number one priority for Quality of Life funding. The recommendation is that all appropriated Quality of Life funds be allocated to provide grant match money for constructing Phase One of the Androscoggin Bike Path.

**2010-11  
Selectmen  
Presentation**  
\$ 52,560

**Allocation**  
Taxation

**Selectmen Recommendation:**

**Ought Not to Pass**

Passed

**Article 8** – To see what sum the Town will vote to increase the maximum property tax levy limit established by State Law (L.D. 1) in the event that the municipal budget approved at this Town Meeting results in a tax commitment in excess of the maximum property tax levy otherwise

applicable such that the increased maximum property tax levy hereby established will equal the amount committed: (By State Law, the vote on this article must be by written ballot.)

**Selectmen Recommendation:**

**Ought Not to Pass**

**Tabled** (tabled passed)

**Article 9** – To see if the voters will approve an ordinance entitled “An Ordinance to establish a Moratorium on the issuing or processing of applications, licenses or permits for medical marijuana dispensaries in all zoning districts in Topsham”:

**Planning Board Recommendation:**

**Ought to Pass**

Passed

**AN ORDINANCE ENTITLED “AN ORDINANCE TO ESTABLISH A MORATORIUM ON THE ISSUING OR PROCESSING OF APPLICATIONS, LICENSES OR PERMITS FOR MEDICAL MARIJUANA DISPENSARIES IN ALL ZONING DISTRICTS IN TOPSHAM.”**

**PREAMBLE**

**Whereas**, the Town of Topsham adopted a Comprehensive Plan in 2005, and amended this adopted Plan in 2007, and

**Whereas**, the Town of Topsham has adopted Zoning Ordinances and accompanying land use regulations to implement the adopted Comprehensive Plan, and

**Whereas**, through a citizen initiated statewide referendum, the State of Maine has enacted a definition and permitted the development of Medical Marijuana Dispensaries in all communities in the State of Maine, and

**Whereas**, the Maine State Legislature is contemplating amendments to the adopted law in the current legislative session, and

**Whereas**, the Maine Department of Health and Humans Services is currently drafting rules to implement the Maine Medical Marijuana Act, and

**Whereas**, the work of the Maine Legislature and DHHS will not be complete in time for the Town of Topsham to adopt local regulations that are in compliance with Maine Statutes and rules before the effective date of the Maine Medical Marijuana Act, and

**Whereas**, the Maine Medical Marijuana Act, and the draft rules implementing the Act, do not provide any limitations on the number or location of Medical Marijuana Dispensaries within any community in the State of Maine, and

**Whereas**, the Town of Topsham has determined that there exists a potential conflict between Medical Marijuana Dispensaries and certain adjacent or nearby uses creating the potential for serious public harm, and

**Whereas**, the current Zoning Ordinance and Land Use Regulations of the Town of Topsham do not adequately address these potential conflicts, and

**Whereas**, State Statutes allow a municipality to establish a Moratorium on the processing or issuance of development permits or licenses, if certain criteria occur, and

**Whereas**, the Town of Topsham believes the time period identified in State Statutes for establishment of a Moratorium provide a reasonable period for the Town to make substantive progress in preparing and implementing amendments to current zoning and land use regulations to protect the general public from any conflicts deriving from the inappropriate location or number of Medical Marijuana Dispensaries, and

Whereas, the Town of Topsham believes that potential future development of Medical Marijuana Dispensaries, absent appropriate local regulations, satisfies criteria established in MRSA 30A Section 4356, Moratoria, to warrant establishment of a Moratorium,

#### ENACTMENT OF A MORATORIUM

Now Therefore Be It Resolved, that pursuant to 30-A MRSA 4356, as may be amended from time to time, the Town of Topsham hereby establishes a Moratorium for a period of one hundred eighty (180) days, effective May 19, 2010, the date of adoption of said Moratorium by the Topsham Town Meeting, and establishes that this Moratorium shall apply to the following:

1. Any request for: the processing of a site plan or conditional use application; or the issuance of a site plan or conditional use permit in accordance with the Topsham Town Codes; for a Medical Marijuana Dispensary, as defined in the Maine Medical Marijuana Act, for any property, structure or use located in any zoning district of the Town of Topsham.
2. Any request for the processing of a building permit application, occupancy permit or any related utility permit application (plumbing or electrical) for the development, construction, occupancy or use of any facility for use as a Medical Marijuana Dispensary, as defined in the Maine Medical Marijuana Act.

The terms and conditions of this Moratorium shall not apply to any site plan application or project, or any building or utility permit, that has previously obtained vested rights under Maine law.

Be It Further Resolved, that the Topsham Board of Selectmen reserves the right to extend said Moratorium for one or more definite periods, none of which said periods shall exceed one hundred eighty (180) days, provided that the Board of Selectmen determines, that following a duly noticed public hearing, that the need for a Moratorium still exists.

Be It Further Resolved, that the Topsham Board of Selectmen reserves the right, at any point, to terminate a Moratorium that has been enacted, if the Board, following a duly noticed public hearing, determines that the need for a Moratorium no longer exists.

Article 10 – To see if the voters will vote to accept Alphonse Drive as a public road:

See Exhibit 10

Planning Board Recommendation:

Ought to Pass

Passed

Article 11 – To see if the voters will approve an ordinance entitled “An Ordinance to Amend the Topsham Town Code, Chapter 225, Zoning, Regarding a Development Transfer Ordinance.”:

See Exhibit 11

Planning Board Recommendation:

Ought to Pass

Passed

Article 12 – To see if voters will approve an ordinance entitled “An Ordinance to Amend the Topsham Town Code, Chapter 225-48, to Revise the Requirements for Manufactured Housing and the Mobile Home Park Overlay Zone to Conform to the Adopted Comprehensive Plan”:

See Exhibit 12

Planning Board Recommendation:

Ought to Pass

Passed

**Article 13** – To see if the voters will approve an ordinance entitled “An Ordinance to Amend the Topsham Town Code, Chapter 225, Zoning, Attachment 1, Use Regulations and Attachment 2, Table of Dimensional Requirements”:

**Planning Board Recommendation:**

**Ought to Pass**

Passed

**An Ordinance to Amend the Topsham Town Code, Chapter 225, Zoning, Attachment 1 Use Regulations, and Attachment 2, Table of Dimensional Requirements**

Proposed Additions are underlined;  
proposed deletions are ~~struck through~~.

Table of Use Regulations

Land uses permitted in each zone, in conformance with the general performance standards in Article VII and, where appropriate, the specific performance standards of Article VIII, are shown in the following table:

- P = Permitted use (may require site plan review)
- C = Conditional use (may require site plan review)
- X = Not permitted

Use	District
	MUL
Aquaculture	<u>X</u> C

- P = Permitted use (may require site plan review)
- C = Conditional use (may require site plan review)
- X = Not permitted

Proposed Amendments to the Table of Dimensional Requirements

Table of Dimensional Requirements

[Amended 7-31-2000 STM, Art. 5; 5-16-2001 STM, Art. 28; 5-20-2004 STM, Art. 18; 9-8-2005 STM, Art. 3; 5-24-2006 STM, Art. 15; 5-24-2007 STM, Art. 15]

Requirements	R-1	R-2
Min. lot size (s.f)	20	30
Min. frontage	100	125
Min. front setback	<del>25</del> <u>20</u>	<del>50</del> <u>25</u>
Max. front setback		
Min. side setback	<del>15</del> <u>10</u> <sup>23</sup>	<del>25</del> <u>15</u> <sup>24</sup>
Min. rear setback	25	25
Max. bldg. height	35	35
Min. bldg height		
Max. struct. height	75 <sup>5</sup>	75 <sup>5</sup>
Max. bldg footprint (sf)		
Min. bldg footprint (sf)		
Min. landscape (open space ratio)	0.2 <sup>6</sup>	0.2 <sup>6</sup>
Floor area ratio	0.4	0.2

Editors note: all dimensions are feet or s.f. unless otherwise noted

FOOTNOTES:

- 23. The minimum side yard setback for a multifamily dwelling in the R-1 District is 15’.
- 24. The minimum side yard setback for a multifamily dwelling in the R-2 District is 25’.

**Article 14** – To see if the voters will approve an ordinance entitled “An Ordinance to Amend the Topsham Town Code, Chapter 191, Subdivisions, Section 6, Dead End Roads”:

**Planning Board Recommendation:**

**Ought to Pass**

Passed

**An Ordinance to Amend the Topsham Town Code, Chapter 191, Subdivisions, Section 6, Dead End Roads**

Section 191-6

A. All proposed roads shall be designed as public, through roads, and shall provide connection to the nearest public through road. shall connect at both ends to different public roads.

1. The Board may approve a new subdivision road that connects to the same public road in more than one location under the following circumstances:

- a. the size or shape of the parcel to be subdivided does not allow for a through road to be constructed;
- b. the two points of connection to the public road are separated by at least 500’;
- c. the parcel to be subdivided has no access to a second public road, or will not likely have access in the future; or
- d. no lot within the subdivision is located more than 2000’ from the connecting point on the public road.

B. The requirement for interconnectedness prohibition on dead end roads (roads with a single connection to a public road) may be waived by the Board under certain the following circumstances, including as follows:

- (1) Lot location and/or configuration does not provide for connection to an existing public road; or
- (2) Constraints on the subdivided parcel are such that no connections to existing roads can be made; or
- (3) The road is part of a phased project, and subsequent approved phases would provide for connection to public roads; or
- (4) Existing natural features and resources are located in such a fashion to prevent connections to a public road; or
- (5) Valuable open spaces or natural resources can be preserved by eliminating a second entrance into the property

C. When the Board waives the dead-end restriction, the following standards shall apply:

1. No dead end shall exceed the following size limitations:

- a. In the R-1 District, no dead end shall exceed 1,500 linear feet, or 30 lots
- b. In the R-2 District, no dead end shall exceed 1,875 linear feet, or 30 lots
- c. In the R-3 District, no dead end shall exceed 2,250 linear feet or 30 lots
- d. In the R-4 district, no dead end shall exceed 1,125 linear feet or 30 lots

2. The Board may allow “lollipop” roads, which provide a single connection to a public road, and have a looped design with-in the subdivision, such that the distance from the public road to the split in the subdivision road is less than 1,500 linear feet in the R-1 and R-2 Districts, less than 2,000 linear feet in the R-3 District, and less than 1,000 linear feet in the R-4 District, and that no homes are more than 2,000 linear feet from the split in the subdivision road.

(1) No dead end shall exceed 1000 feet in distance from a public through (non dead end) road to the center of the turnaround.

(2) All dead ends shall end in a hammerhead turnaround with the pavement extending at least 30 feet into the turnaround.

~~(3)~~3. No more than two driveways, each serving a single home, may be built off of any turnaround.

~~(4)~~4. Dead-end roads, where practical, shall be designed to terminate, or approach, within 25 feet of neighboring lots. At such a point, the right-of-way shall be extended to the neighboring property line for future extension. The right-of-way shall be included in the street dedication to the Town. This shall be labeled "Future Road Extension" on all plans of the project and noted in all deeds. Dead end roads shall also be designed with "Future Road Extensions" every 500' along both sides of the dead end, connecting to the adjacent parcels.

~~D. In no case shall more than 20 residents or lots be constructed or created on a dead end road. More residences may be built if the subdivider provides an emergency second access road to a public through road. Emergency second access roads shall be on rights of way that are at least 50 feet wide. The access roads shall be at least 20 feet wide. Gravel must be used as a road surface. The access roads shall be suitable for year round use. They shall meet or exceed the applicable construction standards for rural roads given in § 191-15. Emergency second access roads plowed and maintained year round by the subdivision or subdivider.~~

D. The Board may approve the extension of a dead end road beyond the length restrictions of paragraph C.1 of this article, if a secondary emergency access is provided or if the subdivider can demonstrate that adequate fire protection measures have been included in the design of the subdivision or in the construction of the individual homes, to meet the needs of the Fire Chief. Where a secondary emergency access is provided, it shall be a minimum of 20' wide, with at least 15 inches of gravel, and shall be kept open and maintained on a year round basis by the owner of record.

E. If a dead end is proposed, the Board shall require a traffic study for the specific subdivision, with no Levels of Service at the point of connection with the public road below LOS D from the subdivision road, and no LOS on the public road lower than C allowed. In addition, the traffic study shall evaluate traffic on the connecting public road, with an analysis of the existing and anticipated cumulative impacts.

F. Dead ends shall be designed with a hammerhead turn around. Dead ends shall include 50' wide ROW extensions to adjoining parcels at the approximate half way point, and at the end of the dead end. These ROWS shall be written to provide rights to the adjoining properties, or to the Town, for the future construction of the connecting road, or an extension of the present subdivision road.

G. The provisions of this section are not waivable under the standards of 191.20.

**Article 15** – To see if the voters will approve an ordinance entitled "An Ordinance to Amend Topsham Town Code, Chapter 225, Zoning, Regarding the Definition and Development Standards for Neighborhood Grocery Stores":

**Planning Board Recommendation:**

**Ought to Pass**

Passed

**An Ordinance to Amend the Topsham Town Code, Chapter 225, Zoning, Regarding the Definition and Development Standards for Neighborhood Grocery Stores**

Proposed additions to the code are underlined;  
Proposed deletions are ~~struck through~~.

**225-6. Definitions**

NEIGHBORHOOD GROCERY STORE – A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles and other household items. A store with less than 3,000 square feet of retail floor space, not including storage, food preparation, or service areas, and not exceeding 4,000 s.f. total floor space, that is primarily intended to serve the convenience of a residential neighborhood or area of the community with such items as, but not limited to, basic foods, prepared foods, newspapers, fuel for motor vehicles, emergency home repair articles and other household items. A neighborhood grocery store does not include State Agency Liquor sales. The sale of motor fuels accessory to a

neighborhood grocery store does not constitute gasoline sales as a use provided that the performance standards of section 225-60.13 are met.

**225-60.13. Additional Standards for Neighborhood Grocery Stores**

Any new or expanded neighborhood grocery store must comply with the following standards:

A. If an existing neighborhood grocery store is being expanded, or if a new building is being constructed or if an existing building is being converted to a neighborhood grocery store, a landscaped buffer strip must be established and maintained in accordance with 225-29, and the neighborhood grocery store exterior design shall be compatible with the architectural characteristics of the neighborhood.

B. If any fuel dispensing facilities are located in a yard that abuts a residential use, the landscaped buffer strip must be a minimum of twenty (20) feet in width and must include a solid fence or other barrier at least eight (8) feet in height.

C. The sale of motor vehicle fuels is allowed only if the lot on which the neighborhood grocery store is located is in an R-2 or R-3 District within the Town's designated Growth Area as shown on the Future Land Use Plan in the Town's adopted Comprehensive Plan and the lot has its primary vehicular access from Route 196, Route 201, or Route 24.

D. The sale of fuels, including motor vehicle fuels such as gasoline, must be an accessory use and conform to the following requirements:

1. The facility must conform to the requirements of Subsections B,D,F,G, and H of Section 225-44.

2. Any facilities for the dispensing of fuel must be located to the side or rear of the principal building unless the Planning Board finds that such a location is not practical given the size, shape, and characteristics of the lot and/or the location of the existing improvements on the parcel, or that such a location will have a significant adverse impact on one or more neighbors.

3. The dispensing of fuels shall be limited to not more than (2) pumps or dispensing stations each with a maximum of two (2) fueling hoses located on not more than one (1) pump island.

4. Exterior lighting, including canopy lighting, shall be discontinued no later than 10 p.m.

5. The site shall be designed using Maine Department of Environmental Protection Best Management Practices for stormwater management, such that all stormwater is directed to a management system on site that is designed to separate any fuels or vehicular liquids from the stormwater prior to discharge off site.

**Article 16** – To see if the voters will approve an ordinance entitled “An Ordinance to Amend the Town Code, Chapter 225-33 regarding the placement of electronic message centers”:

**See Exhibit 16**

**Planning Board Recommendation:**

**Ought to Pass**

Defeated

**Article 17** – To see if the voters will approve an ordinance entitled “An Ordinance to Amend the Town Code, Chapter 225-, by adding provisions for the keeping of domesticated chickens”:

**Planning Board Recommendation:**

**Ought to Pass**

Defeated

**An ordinance to amend the Town Code, Chapter 225, by adding provisions for the keeping of domesticated chickens**

**225-6 Definitions**

**Chicken Pen.** An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

**Domesticated Chickens** – The keeping of no more than six female chickens (hens) for personal use. The use shall not be included within the Animal Husbandry definition.

**Enclosure.** The combined area of a henhouse and chicken pen.

**Henhouse.** A structure for the sheltering of female chickens. A legally existing non-conforming shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this Ordinance.

## **225-60.15 Domesticated Chickens**

### **Purpose**

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

### **A. Keeping of Domesticated Chickens Located.**

1. Keeping of domesticated chickens is allowed in all listed zones (see §225-17) with a license from the Codes Enforcement Officer (see section G)
2. No more than 6 chickens shall be allowed per single-family detached dwelling property. No chickens shall be permitted within multi-family complexes, including duplexes.
3. Only female chickens are permitted with no restriction on chicken species.
4. Chickens shall be kept only for personal use.
5. Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
6. Outside slaughtering of chickens is prohibited.
7. Rural Residential (R3) properties are exempt from these ordinance provisions

### **B. Enclosure**

1. Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence.
2. Chickens shall be secured within the henhouse during non-daylight hours.
3. 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 abutters due to noise, odor or other adverse impact.
4. An enclosure shall not be located between a building and a public or private road.

### **C. Henhouse**

1. A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.
2. The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire of less than one inch openings.
3. The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
4. Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than 10 feet to the side property line.
5. No henhouse shall be located within 10 feet of a rear or side property line.
6. All new henhouses must receive a building permit from the Code Enforcement Officer.

### **D. Chicken Pens**

1. Chicken Pens. Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.
2. Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than 10 feet to the side property line.
3. No chicken pen shall be located within 10 feet of a rear or side property line.

**E. Odor, Noise and Lighting**

1. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
2. Perceptible noise from chickens shall not be a disturbance to abutters.
3. Only motion-activated lighting may be used to light the exterior of the henhouse.

**F. Waste Storage and Removal**

1. Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

**G. Licensing Requirements**

1. A person who keeps domesticated chickens shall obtain a license for a fee of ten (\$10) dollars. The license shall expire annually on the last day of April. The license shall be issued by the Code Enforcement Officer. The ten dollar (\$10) fee is non-refundable if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars (\$10). The fine will double after the license has been expired for more than thirty (30) days.

**H. Penalty**

1. In addition to any other enforcement action which the town may take, violation of any provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars (\$100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.

**I. Removal of Chickens**

1. Any violation of the provisions of this article or of the license shall be grounds for an order from the Codes Enforcement Officer and/or Animal Control Officer to remove the chickens and the chicken-related structures. The Animal Control Officer may also 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.

**225-17 Table of Land Uses**

**Domesticated Chickens –**

<u>R1</u>	<u>R2</u>	<u>R3</u>	<u>R4</u>	<u>CC</u>	<u>MUL</u>	<u>MUC</u>	<u>MUC-1</u>	<u>BP2</u>	<u>CC-196</u>	<u>LV</u>	<u>MV</u>	<u>VC</u>	<u>LI</u>	<u>I</u>	<u>BP</u>	<u>RCU</u>
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>P</u>

Article 18 – To see if the voters will vote to amend the Topsham Comprehensive Plan by adopting “The Topsham Natural Areas Plan”;

See Exhibit 18

**Planning Board Recommendation:**

**Ought to Pass**

Passed

Article 19 – To see if the voters will approve an ordinance entitled “An Ordinance to Amend the Topsham Town Code, Chapter 6, Administration of Government”;

See Exhibit 19

**Selectmen Recommendation:**

**Ought to Pass**

Passed

**Article 20** – To see if the voters will amend the Topsham Town Code by adopting an ordinance entitled “An Ordinance to Establish Codes of Conduct,” to be Chapter 7 of the Town Code:

**Selectmen Recommendation:**

**Ought to Pass**

Passed

## **An Ordinance to Establish Codes of Conduct**

### **Chapter 7 Codes of Conduct**

#### **7-1 Purpose**

The purpose of this section is to set forth codes of conduct that govern how the Board of Selectmen and Town Manager will function in relation to one another and in relation to the public that they both serve.

**7-2 Board of Selectmen** – The Board of Selectmen shall conduct its duties in accordance with this code of conduct to the extent possible:

- a. Be responsible elected officials dedicated to the concepts of effective and democratic local government.
- b. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
- c. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the public.
- d. Conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
- e. Not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.
- f. Recognize that the chief function of local government at all times is to serve the best interests of all the people, to the maximum extent possible.
- g. Adopt and implement town policy that is fair, impartial, and meets the objective of furthering the quality of life in Topsham for its citizens.
- h. Work cooperatively as a Board of Selectmen in presenting issues involved in referenda such as bond issues, annexations, and similar matters.
- i. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- j. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- k. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline. Handle all personnel matters in a confidential manner, respecting the rights of the employee involved and refraining from any public criticism of the Town Manager or other town employees who are appointed by the Board of Selectmen.
- l. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.
- m. Not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.
- n. Not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.
- o. Not engage in, solicit, negotiate for, or promise to accept private employment, nor should he or she render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

**7-3 Town Manager** – The Town Manager shall conduct his/her duties in accordance with the Maine Town and City Management Association Code of Ethics.

**Article 21** – To see if the Town will fix the date of the May 2011 Special Town Meeting:

**Selectmen Recommendation:**

**Wednesday, May 18, 2011**

Passed

**Article 22** – To see if the Town will fix the dates when taxes are due and payable and to see if the Town will fix a rate of interest to be charged on taxes after said date:

**Selectmen Recommendation:** **Friday, October 15, 2010**  
**Friday, April 15, 2011**

**7% of the Maximum amount determined by the State Treasurer.**

Passed

**Article 23** – To see if the Town will establish a **maximum interest rate** to be paid on abated taxes.

**Selectmen Recommendation:** **7% or the maximum rate established by the State Treasurer.**

**For delinquent taxes the interest rate to be paid by the Town will be reduced by 2%.**

Passed

**Article 24** – To see if the Town will authorize the Selectmen to dispose of **Town-Owned personal property** with a value of \$5,000 or less under such terms they deem advisable:

**Selectmen Recommendation:** **Ought to Pass**

Passed

**Article 25** – To see if the Town will authorize the Selectmen to **accept gifts** on behalf of the Town under such terms they deem advisable:

**Selectmen Recommendation:** **Ought to Pass**

Passed

**Article 26** – To see if the Town will authorize the Selectmen to convey by deeds of quit-claim title or other titles as appropriate any real estate acquired by the Town to such persons for such considerations as the Selectmen may in each case determine:

**Selectmen Recommendation:** **Ought to Pass**

Passed

**Article 27** – To see if the Town will authorize the Selectmen to apply for grants, approve the acceptance of grants, receive grants, appropriate the Town's share of the grant from funds raised at a Town Meeting and expend the grant for the purpose stated in the grant:

**Selectmen Recommendation:** **Ought to Pass**

Passed

**GIVEN UNDER OUR HANDS THIS 23rd DAY OF April, 2010 BY THE BOARD OF SELECTMEN:**

\_\_\_\_\_  
Ronald Riendeau, Chair

\_\_\_\_\_  
James Trusiani, Vice-Chair

\_\_\_\_\_  
Sandra Consolini

\_\_\_\_\_  
Steven Edmondson

\_\_\_\_\_  
Donald Russell