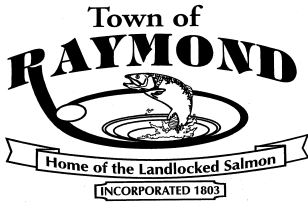


***SELECTMEN'S e-PACKET***  
***List of Files***  
***March 8, 2011***

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**BOARD OF SELECTMEN**  
**AGENDA**  
March 8, 2011  
7:00 p.m.  
Broadcast Studio

**SELECTMEN'S MEETING**

- 1) Call to order.**
- 2) Minutes of previous meeting dated February 8, 2011**
- 3) New business.**
  - a) Raymond Village Library Update- Leigh Walker and Brenda Stevenson**
  - b) Election of Selectmen Parliamentarian**
  - c) Approval of Municipal Tax Release Deeds:**
    - a) Jamie Morin & Michael Reynolds for 0 Valley Road (013/045)**
    - b) Jeffery & Carolyn Pollard for 0 Daggett Drive (006/006)**
  - d) Policy Review: Code of Ethics for Appointed and Elected Municipal Officials and Selectmen Bylaws & Policies- Chairman Joe Bruno**
  - e) Consideration of Proposed FY2011-12 Municipal Budget/Warrant Articles- Board of Selectmen**
  - f) Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Chris Hanson regarding ongoing legal matters related to land use violations.**
- 4) Old (unfinished) business.**
- 5) Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.
- 6) Town Manager Report and Communications.**
  - a) Confirm date for next meeting:**
    - **April 12, 2011**
  - b) March 18: Planning Board Public Hearing for Changes to:**
    - **Land Use Ordinance (Article 13)**
    - **Subdivision Ordinance (Articles 4&9)**
    - **Raymond Street Ordinance**
    - **Raymond Shoreland Zoning Ordinance**
    - **Fire Protection Ordinance**

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The Selectmen may take items out of order at their discretion.

**c) March 28: Budget/Finance Committee Meeting to consider/vote on proposed budget.**

7) **Selectmen Communications.** This agenda item is for the general discussion of non-agenda items by the Board of Selectmen, and for the purpose of introducing future topics for discussion. No action will be taken. Previously considered agenda items cannot be addressed under Selectmen communications unless approved by a formal vote for reconsideration by a member of the Board of Selectmen voting on the prevailing side of the matter.

**8) Fiscal Warrants – Payroll and Appropriation Warrants – March 8, 2011**

**9) Adjournment.**

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The Selectmen may take items out of order at their discretion.

*Board of Selectmen Agenda, March 8, 2011*

*Page 2 of 2*

*Deadline for next Agenda: April 1, 2011*



**BOARD OF SELECTMEN  
AGENDA SUMMARY**

March 8, 2011  
7:00 p.m.  
Broadcast Studio

**SELECTMEN'S MEETING**

- 1) Call to order.**
- 2) Minutes of previous meeting dated February 8, 2011**
- 3) New business.**
  - a) Raymond Village Library Update- Leigh Walker and Brenda Stevenson, Library Directors**

Leigh Walker and Brenda Stevenson will update the Selectmen regarding Library services and program accomplishments and also discuss the financial contribution requested from the Town.

**b) Election of Selectmen Parliamentarian**

The Selectmen will be discussing and possibly electing a new Parliamentarian. The function of a Parliamentarian is to advise the Selectmen about correct parliamentary procedure in order to conduct meetings in an orderly and professional manner. Qualifications for a parliamentarian include a thorough knowledge of and experience in facilitating meetings under "Roberts Rules of Order Newly Revised" as adopted as the official meeting guide of the Town.

**c) Approval of Municipal Tax Release Deeds:**

- a) Jamie Morin & Michael Reynolds for 0 Valley Road (013/045)**
- b) Jeffery & Carolyn Pollard for 0 Daggett Drive (006/006)**

Based upon the acceptance of the bids for Tax Acquired Property at the February 8, 2011 Selectmen's meeting, the Board will sign Municipal Tax Release Deeds conveying the properties.

**d) Policy Review: Code of Ethics for Appointed and Elected Municipal Officials and Selectmen Bylaws & Policies- Chairman Joe Bruno**

The Selectmen will be reviewing the "Code of Ethics for Appointed and Elected Officials" and the "Selectmen Bylaws" and discussing Maine Law titled "30-A §2635. Board of Selectmen to Act as a Body; Administrative Service to be Performed through Town Manager; Committees". The Bylaws & Policies of the Board of Selectmen were first adopted on January 18, 2005 and are attached to the e-packet. It is the aim of the Selectmen to ascertain whether all town policies are still relevant, up-to-date and/or needing amendment to bring them into compliance with any current practices not outlined within the policies.

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The Selectmen may take items out of order at their discretion.

**e) Consideration of Proposed FY2011-12 Municipal Budget/Warrant Articles- Board of Selectmen**

The Town Manager proposed Budget/Warrant Articles will be discussed, amended, and possibly approved by the Board of Selectmen.

**f) Executive Session pursuant to 1 MRSA § 405(6)(H): Meeting with CEO Chris Hanson regarding ongoing legal matters related to land use violations.**

**4) Old (unfinished) business.**

**5) Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

**6) Town Manager Report and Communications.**

**a) Confirm date for next meeting:**

- **April 12, 2011**

**b) March 18: Planning Board Public Hearing for Changes to:**

- **Land Use Ordinance (Article 13)**
- **Subdivision Ordinance (Articles 4&9)**
- **Raymond Street Ordinance**
- **Raymond Shoreland Zoning Ordinance**
- **Fire Protection Ordinance**

**c) March 28: Budget/Finance Committee Meeting to consider/vote on proposed budget.**

**7) Selectmen Communications.** This agenda item is for the general discussion of non-agenda items by the Board of Selectmen, and for the purpose of introducing future topics for discussion. No action will be taken. Previously considered agenda items cannot be addressed under Selectmen communications unless approved by a formal vote for reconsideration by a member of the Board of Selectmen voting on the prevailing side of the matter.

**8) Fiscal Warrants – Payroll and Appropriation Warrants – March 8, 2011**

**9) Adjournment.**

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The Selectmen may take items out of order at their discretion.

# 1 Raymond Village Library – Update for Raymond Board of Selectman meeting 3/8/2011

## Meeting Objectives:

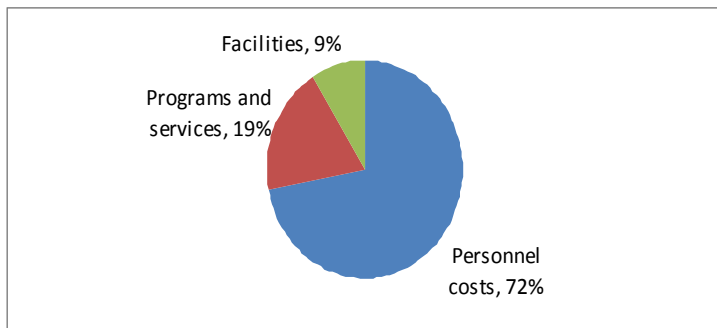
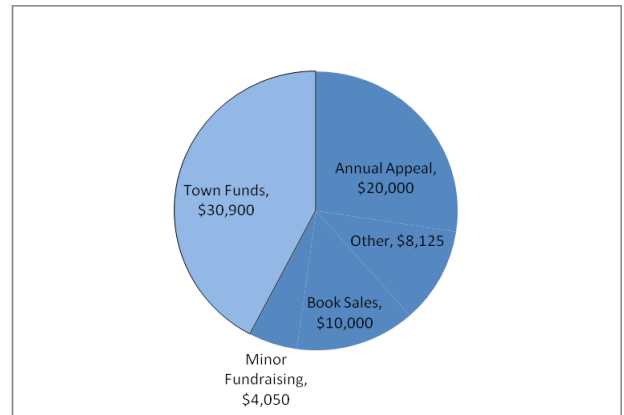
- Provide a brief overview of Library Operations & Activities
- Review future priorities & challenges
- Acknowledge appreciation for support received from the town

## Library Operations & Activities (annual report attached pg.2)

- Independent Organization Managed by a volunteer Board of Trustees
- Paid Staff – Full-time library director; part-time coordinator for our weekly children’s story times; part-time library assistant
- Supported by 40 regular and active volunteers (Circulation Desk Volunteers, Activity volunteers, Board of Trustees)
- open 27 hours weekly

## Annual Budget

- Town contribution of \$30,900 covers 43% of the budget
- 57% of the budget is generated by the Library
- Annual Appeal –a mix of year round & seasonal residents. 1% of individuals responding to our appeal are non-patrons (would be great to explore updated Raymond taxpayer mailing list – both to promote the library to non-patrons; and expand annual appeal mailing list)



Budget expenditures are within the guideline targets established in the Maine Minimum Library Standards.

## Future Priorities:

- Automation - 1/3 of collection entered into the database – future possibilities...
- Web design, in anticipation of increased traffic with the automation of the collection
- Fundraising - will continue current activities and explore new ones, but will also look to increase town funding. Budget we submitted in for 2011 was flat with 2010, representing the 3<sup>rd</sup> yr of funding at \$30,900. While we didn’t request an increase – doesn’t mean we’re all set as this creates additional fundraising pressures. If town finds they have a surplus ...certainly keep us in mind.
- Facilities planning – space constraints in current facility. Long term options ?



# Raymond Village Library Annual Report

Many consider the Raymond Village Library to be “an amazing place for a town this size”. The library is a portal to the world of expanding knowledge, and our doors are open to everyone. If you haven’t stopped by recently, we invite you to check us out. We accomplish a lot with a small group of talented and passionate volunteers and staff.

## **Serving the community –** Hours of Operation

Schedule	Sunday	Monday	Wednesday
<b>Regular Hours</b>	<b>10am - 7pm</b>	<b>10am - 7pm</b>	<b>10am - 7pm</b>
<b>Baby Time</b>	-	<b>10am</b>	-
<b>Toddler Time</b>	-	-	<b>10am &amp; 11am</b>
<b>Preschool Story Time</b>	-	<b>11am</b>	-

Individual Visits - 15,826 visitors throughout the fiscal year

### Something for everyone:

- The library holds approximately 17,500 items in the collection July 2010
- *Walk-In Wireless* - free wireless internet access, indoors or out.
- Public Computer
- Audiobook downloads from your home computer
- Our library director, Barbara Thorpe, provides reading recommendations upon request
- Monthly electronic newsletter, distributed to over 600 patrons, contact us if you wish to be added

## **Managing the Collection**

- Annual resources circulated: 26,648 books, recordings and magazines; an average of 175 items each day the Library was open.
- During the year 1,085 new items were readied for public use, and 1,415 outdated or damaged items were withdrawn

## **Promoting Reading**

- 44 children participated in our summer reading program – kudo’s to Gail Cole for her leadership and coordination of this event
- We continued our popular annual children’s programming like Dr. Seuss Night, Jodi Fein’s Pajama Storytime and the April Vacation Nature Program.

## **Fiscal Creativity**

- We do a lot with a little; the annual budget is under \$70,000.
- We maintain an updated collection including many current NY Times bestsellers.
- The Raymond Village Library is your community resource. We are grateful for the support we receive from the Town, the response to our annual appeal, and customers of our annual book sales, plant sale and bake sale.

## **Moving forward**

- Automation of the entire RVL collection is underway with anticipated completion within a year.
- Once complete, the technology will improve our ability to serve our patrons more effectively and efficiently.

**MUNICIPAL TAX RELEASE DEED**

The Inhabitants of the Town of Raymond, Maine, a body corporate and politic located in Cumberland County, Maine **FOR CONSIDERATION PAID**, releases to Jamie Morin, Michael Reynolds, whose mailing address is 5 Keilt Drive, Raymond, Maine 04071, the Town's interests in the real property located at 0 Valley Road, Raymond, Maine, which property is also described as Map 013, Lot 045 on the Official Tax Maps for the Town of Raymond, prepared by James H. Thomas, on April 1, 2010, as updated, amended and maintained by the Town of Raymond Assessor and on file in the Raymond Town Office.

The Town's interest in this property acquired by virtue of the following tax liens recorded in the Cumberland County Registry of Deeds as follows:

**Book, Page**  
**23124, 109**  
**24372, 3**  
**25536, 210**  
**26335, 244**  
**27261, 147**  
**27989, 95**

The Town conveying hereunder no other interests; and further excepting and reserving from this conveyance any liens securing payment of property taxes on the premises as are not currently due or payable.

The Town of Raymond, Maine has caused this instrument to be signed in its corporate name by its Board of Selectmen, duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**WITNESS:**

**TOWN OF RAYMOND, MAINE**

\_\_\_\_\_

\_\_\_\_\_  
Joe Bruno, Chairman, Board of Selectmen

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Lawrence A. Taylor, Vice Chair

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\_\_\_\_\_  
Mike Reynolds, Selectman

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Samuel Gifford, Selectman

\_\_\_\_\_

\_\_\_\_\_  
Charles Leavitt, Selectman



STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2011

Personally appeared the above named Joe Bruno, in his capacity as the Chairman of the Board of Selectmen of the Town of Raymond, Maine and acknowledged the foregoing instrument to be his free act and deed and in his said capacity for the municipal corporation.

Before me,

\_\_\_\_\_  
\_\_\_\_\_

My Commission Expires:

**MUNICIPAL TAX RELEASE DEED**

The Inhabitants of the Town of Raymond, Maine, a body corporate and politic located in Cumberland County, Maine **FOR CONSIDERATION PAID**, releases to Jeffrey B. Pollard, Carolyn D. Pollard, whose mailing address is 100 Daggett Drive, Raymond, Maine 04071, the Town's interests in the real property located at 0 Daggett Drive, Raymond, Maine, which property is also described as Map 006, Lot 006 on the Official Tax Maps for the Town of Raymond, prepared by James H. Thomas, on April 1, 2010, as updated, amended and maintained by the Town of Raymond Assessor and on file in the Raymond Town Office.

The Town's interest in this property acquired by virtue of the following tax liens recorded in the Cumberland County Registry of Deeds as follows:

**Book, Page**  
**23123, 337**  
**24372, 122**  
**25536, 187**  
**26335, 297**  
**27261, 186**  
**27988, 346**

The Town conveying hereunder no other interests; and further excepting and reserving from this conveyance any liens securing payment of property taxes on the premises as are not currently due or payable.

The Town of Raymond, Maine has caused this instrument to be signed in its corporate name by its Board of Selectmen, duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**WITNESS:**

**TOWN OF RAYMOND, MAINE**

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Joe Bruno, Chairman, Board of Selectmen  
  
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Lawrence A. Taylor, Vice Chair  
  
\_\_\_\_\_  
Mike Reynolds, Selectman  
  
\_\_\_\_\_  
Samuel Gifford, Selectman  
  
\_\_\_\_\_  
Charles Leavitt, Selectman

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

\_\_\_\_\_, 2011

Personally appeared the above named Joe Bruno, in his capacity as the Chairman of the Board of Selectmen of the Town of Raymond, Maine and acknowledged the foregoing instrument to be his free act and deed and in his said capacity for the municipal corporation.

Before me,

\_\_\_\_\_  
\_\_\_\_\_

My Commission Expires:

### **30-A §2635. BOARD OF SELECTMEN TO ACT AS A BODY; ADMINISTRATIVE SERVICE TO BE PERFORMED THROUGH TOWN MANAGER; COMMITTEES**

It is the intention of this subchapter that the board of selectmen as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. The board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

# Town of Raymond

## Code of Ethics for Appointed and Elected Municipal Officials

As a member of my board, committee or commission (hereinafter referred to as “board”), I will strive to be an advocate for the over-all well being of the Town of Raymond and to that end:

1. I will have integrity in all matters.
2. I will attend scheduled board meetings or notify the staff of my inability to attend
3. I will come to board meetings informed concerning the issues under consideration.
4. I will make policy decisions based on the available facts and appropriate public input.
5. I will make formal decisions based on any and all applicable local, state and federal regulations and ordinances.
6. I will encourage individual board member expression of opinion and establish an open, two-way communication process with all segments of the community.
7. I will communicate, in accordance with board policies, public reaction and opinion regarding board policies, actions, and programs to the full board and administration.
8. I will bring about desired changes through legal and ethical procedures, upholding and enforcing all laws, state regulations, and court orders pertaining to the board.
9. I will refrain from using the board position for personal or partisan gain and avoid any conflict of interest or the appearance of impropriety.
10. I will respect the confidentiality of privileged information learned in any Executive Session.
11. I will make no decisions on behalf of the board unless expressly authorized by the board.
12. I will not attend any meetings pertaining to business of the board without express permission of the board.
13. I will be informed about current issues through individual study and participation in appropriate programs, such as those sponsored by my state association.
14. I will always remember that the foremost concern of the board is to improve and enhance the quality of life for the residents and visitors of the Town of Raymond.
15. Therefore, I will always strive to demonstrate appropriate behavior/conduct as a board member.

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Signature of Official

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Date

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Printed Name of Official

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Office

BYLAWS AND POLICIES  
OF THE  
BOARD OF SELECTMEN  
TOWN OF RAYMOND, MAINE

Adopted January 18, 2005

Amended June 15, 2010

Amended 12/14/2010

### Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Board of Selectmen (Board) meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose. These rules by necessity shall be reviewed and amended from time to time as the need arises and to meet the needs of future Boards. The Selectmen are referred to State of Maine Statutes and Maine Municipal Association "Officers Handbook" for explanation of the many roles and responsibilities of the office.

### Section 2. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws. A parliamentarian shall be appointed by the Board of Selectmen.

### Section 3. Officers and their Duties

Officers of the Board shall consist of a Chairman and a Vice Chairman to be chosen annually at the first Board meeting after the annual town meeting by and from among Board members. The election of Chairman shall be by nomination and vote of the current Board and requires no qualification other than being a duly elected and sworn Selectman. All members of the Board of Selectmen are required to vote. The office of Chairman shall be limited to 2 consecutive 1-year terms requiring and at the minimum a term of 1 year between each 2-year period. The Chairman shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs.

In the absence of the Chairman, the Vice Chairman shall preside and shall have the same authority. If the Chairman and the Vice Chairman are absent the most senior Selectman, based on uninterrupted years of service, shall preside as Chairman pro-tem. If there is more than one senior member, the Chairman pro-tem shall be chosen by the affirmative vote of a majority of attending membership. The temporary Chairman is to have and exercise any and all authority conferred upon the permanent Chairman. The Town

Manager and/or Town Clerk shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law. The people's right to know law shall be upheld [M.R.S.A. Title 1, Chapter 13].

Quorum: A majority of the Board constitutes a quorum. If a quorum cannot be obtained, the meeting may be adjourned until a time and place certain.

#### Section 4. Chairman Privileges

The Chairman may move, second, declare by unanimous consent, subject to the following limitations. As it is the function of the Chairman to preserve order and provide a fair hearing, the Chairman shall reserve the right to speak first and last on any subject before the Board. If the Chairman wants to actively participate in the debate in any other manner, he/she should stand down and call another member to take the chair with the majority consent of the other members of the Board present. The Chairman should not resume the chair until the pending question is disposed of.

#### Section 5. Seating Arrangement

Members shall occupy the respective seats in the Board chamber assigned to them by the Chairman, but any two or more members may exchange seats by joining in a written notice to the Chairman to that effect.

#### Section 6. Attendance

No Selectman shall be excused from attendance at a Board meeting without notification to the Chairman prior to the meeting. Attendance is expected except when a Board member notifies the Chairman prior to the meeting

#### Section 7. Meetings

Regular meetings of the Board shall be at the discretion of the Chairman. Special meetings may be called at the discretion of the Chairman or upon the request of a majority of the Board, provided, however, that notice thereof shall be given to each member at least twenty-four hours in advance, whenever possible, and that no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law by the Town Manager or Town Clerk, and all such meetings shall be open to the public except as otherwise provided by law. This notice requirement does not preclude the Board from making a trip i.e. site walk during the meeting if circumstance requires. Whenever possible, this intention should be reflected in the agenda.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being present. The order of business at regular meetings shall be as follows:

##### 1. Call to order

2. Minutes of the previous meeting
3. New business
4. Old (unfinished) business
5. Town Manager Report and Communications
6. Fiscal Warrants
7. Adjournment

#### Section 8. Special Meetings

All meetings other than regularly scheduled meetings shall be considered a Special meeting. Every reasonable effort must be made to notify all Selectmen in advance of a Special Meeting. Notice must be made to a newspaper of general circulation in the town and posted at the town office. A Special Meeting may be called by three methods:

1. The Chairman may call a Special Meeting at any time.
2. The Chairman shall call a Special Meeting if requested by a quorum of Selectmen.
3. A Special Meeting may be called by the Vice Chairman if the Chairman may not be reached by normal methods.

#### Section 9. Meetings to Execute Documents

If logistics require Selectmen to execute a document, approve a warrant or sign an order outside of the time of a regularly scheduled or Special Meeting, another meeting does not have to be called, providing an approved order exists from a properly noticed public proceeding and record of that proceeding reflects the actual execution will occur outside of the meeting.

#### Section 10. Executive Session

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 MRSA § 405 and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The nature of the business to be discussed must be a part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process. The motion must carry by at least 3/5 of the members present. No topic other than that referred to in the motion shall be discussed during executive session. The Executive session shall be held in such place as to ensure the privacy of the meeting and the Chairman shall determine the public and staff allowed to attend in the executive session. All matters discussed during executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board. No official action shall be finally approved at an executive session. Since Minutes



of an executive session will become public record, they should only be taken when the contents of the meeting are desired to become public.

#### Section 11. Public to Address Board

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Board sponsor, the Town Manager shall first be allowed to present their initial comments for consideration by the public and other Board members. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the Town Manager regarding the agenda item which any Board member may have which would help to clarify the question presented by the agenda item. The Chairman shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the Town Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the Town of Raymond to address the Board regarding this particular agenda item. The speakers will be required to identify themselves by stating their name, first and last, and residence address prior to sharing their comments. The speakers will be asked not to be repetitious of comments already made to the Selectmen in the interests of the most efficient use of time. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member. After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for debate and vote of the issue by the Board. Any further information requested by the speaker shall be referred to the Town Manager to research the matter and make a recommendation to the Selectmen.

No complaints or allegations will be allowed in public concerning any staff member or any person connected to the Town of Raymond organization. Complaints will be referred to the town manager for investigation. If unresolved the issue will be brought to the Board of Selectmen. Complaints regarding the town manager must be brought to the Chairman of the Board of Selectmen for investigation and resolution; and to the full Board of Selectmen if unresolved by the Chairman.

#### Section 12. Workshop Sessions

Workshop sessions may be scheduled by the Chairman for the purpose of disseminating information for Board enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chairman, relating to the subject of the workshop session. No formal vote shall be taken on any matter under discussion nor shall any Board member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Board, but an informal vote on any matter under discussion may be taken.

### Section 13. Agenda Items

All agenda items shall be, under normal circumstances, submitted by the Board members to the Town Manager seven (7) working days prior to any regular or special meeting by 12:00 noon. The Town Manager will draft the agenda and obtain the Chairman's approval before distribution. In the event that a matter shall arise which was not submitted to the Town Manager within the proper time frame, then that item shall be presented to the Chairman as soon as possible. The first draft agenda will normally be available through public posting one week in advance of the Board of Selectmen meeting

### Section 14. Continued Sessions

Any session of the Board may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for longer period than until the next regular meeting.

### Section 15. Hearings

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chairman, provided, however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

### Section 16. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its attending membership of not less than three members unless otherwise provided by law.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members. Abstentions shall be limited to conflicts of interest, which shall be stated prior to the taking of the vote. Conflict issues shall follow established State Law. Any order may be reconsidered by motion of those voting in the affirmative, with Board approval. All other orders shall require a motion, second and recorded vote.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairman for good cause shown. Those present, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. for the proposition, or to have voted with the majority.

#### Section 17. Meeting Length

All Board meetings, workshops or executive sessions should, except in extraordinary circumstances, adjourn at or before 9:00 p.m.

#### Section 18. Conflict with Laws

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

#### Section 19. Amendments

These bylaws may be amended at any time in writing by majority vote of the Board.

#### Section 20. Right of Appeal

Any member may appeal to the Board from a ruling of the Chairman. If the appeal is seconded, the member making the appeal may briefly state his reason for it, and the Chairman may briefly explain his ruling. There shall be no debate on the appeal, and no other Selectmen/person shall participate in the discussion. The Chairman shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members present vote in favor, the ruling of the Chairman is sustained; otherwise, it is overruled.

#### Section 21. Minutes

The Town Clerk shall keep an official record of all meetings, which are public proceedings, and the Chairman/Town Manager shall designate staff or a Board member to take the Minutes. The written minutes shall serve as a brief reference, but the verbatim and official record is the DVD recording. [Accepted 8/17/2010] The Minutes shall at the minimum reflect the following:

1. Date of meeting
2. Place of meeting
3. Selectmen present
4. Town staff present
5. Members of the public addressing the Selectmen
6. All executive orders and business considered

7. Business to be tabled for future action
8. Announcement of future meetings (special)
9. Time of adjournment
10. Person taking Minutes

Free lending copies of the DVD recorded approved minutes will be available to the public at the Town Office and other designated places.

## Section 22. Standing Committees, Special Committees, Board Liaison

- a. Standing Committees shall be established by the Board on the recommendation of the Chairman at a regular or special Board meeting.
- b. The Chairman shall appoint Selectmen, as appropriate, to all standing committees, but two or more members may exchange assignments by joining in a written request to the Chairman to that effect and acted upon at a regular or special Board meeting.
- c. The Chairman shall appoint members to special committees and boards except as otherwise established by Board action.
- d. Committee meetings: All committee meetings will be called by the chairperson of the respective committee with the consent of the regular members. The Chairman of the Board or his Selectman designee is an ex-officio member of all standing committees.
- e. Standing Committee action shall be referred to the next regular meeting of the Board, except that as an emergency measure the Selectman may take action at any regular or special Selectmen meeting.
- f. Actions approved by Standing Committees shall be forwarded to the full Board as affirmative motion without need of a second.

## Section 23. Administration Function and Compensation of Members

### 1. Compensation

Unless otherwise determined by Town Meeting action, the compensation for Selectmen shall be \$100 per month for holding office and serving as a member of the Board.

Each Selectman may be reimbursed for documented expenses such as mileage, tolls, meals, telephone expense and other costs encountered while providing service to the Town in their administrative or executive function. All expense requests are subject to Board approval by accounts payable warrant order.

### 2. Functions of the Board

1. All letters of correspondence written by one member of the Board who is representing the Board shall be pre-approved by the Selectmen at a regular meeting of the Board.

2. While in the office maintaining daily activities, one member of the Board may not take action or make any decision, but merely serve in an advisory capacity to bring information back to the other Board members during the regular meeting of the Board.
3. While in office, all Board members are to maintain dignity and respect for all other members of the Board.
4. Correspondence for the Board shall be reviewed by the Board at the regular or special meeting and said correspondence is not available to the public until it has been noted at a regular or special Board meeting.
5. If a Board Member asks for information and the Chairman denies it, because of cost and the research is going to take up too much Town employee time, it can be brought forward as an agenda item and will be voted on by the Selectmen. [12/13/2010]

Attest:

Louise H. Lester, Town Clerk

TOWN OF RAYMOND

Tuesday, June 7, 2011

ANNUAL BUDGET/TOWN WARRANT

TO: Nathan White, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Jordan-Small Middle School gymnasium, in said Town of Raymond on Tuesday, June 7, 2011 at 7:00 P.M., then and there to act on the following articles:

**ARTICLE 1:** To elect a moderator to preside at said meeting.

**ARTICLE 2: Land Use Ordinance**

**ARTICLE 3: Land Use Ordinance**

**ARTICLE 4: Land Use Ordinance**

**ARTICLE 5: Land Use Ordinance**

**ARTICLE 6: Fire Department Ordinance**

**ARTICLE 7: Fire Department Ordinance**

**ARTICLE 8:** To see if the Town will vote to authorize the Selectmen on behalf of the Town to sell and dispose of any property acquired by the Town for nonpayment of taxes pursuant to the policy adopted by the Selectmen, as may be amended from time to time, the policy to remain consistent with State statutes and laws. In all cases conveyance to be made by municipal quitclaim deed.

The Selectmen  
The Budget Committee

**ARTICLE 9:** To see what date taxes will be due and to set an interest rate for unpaid amounts.

The Selectmen recommend 1<sup>st</sup> half to be due October 31, 2011 and 2<sup>nd</sup> half to be due April 30, 2012 with interest at seven percent (7%) on any unpaid balances.

The Selectmen  
The Budget Committee

**ARTICLE 10:** To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at seven percent (7%) for the fiscal year.

The Selectmen  
The Budget Committee

**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to dispose of Town owned personal property with value not to exceed \$35,000.

The Selectmen  
The Budget Committee

**ARTICLE 12:** To see if the Town will vote to authorize the Selectmen to borrow from or appropriate from fund balance (surplus) as they deem advisable to meet the unanticipated needs of the community that occur during the fiscal year.

The Selectmen recommend an amount not over \$75,000.  
The Budget Committee

**ARTICLE 13:** To see if the Town will authorize the Selectmen, for the fiscal year 2011 - 2012, to transfer funds between appropriation accounts as long as the grand total of all appropriations is not exceeded. Any such transfers to be approved only at a properly called public meeting of the Selectmen.

The Selectmen  
The Budget Committee

**ARTICLE 14:** To see if the Town will vote to authorize the use of Town employees and/or Town owned equipment or independent contractor(s) hired by the Town for maintenance on private roads in special and certain circumstances where in the public's interest.

Note of explanation -- Two examples of when the use of Town employees and equipment may be necessary:

- A. Tying in work done on a public road that intersects a private road;
- B. Plowing snow on a private road to clear the way for emergency response apparatus.

The Selectmen  
The Budget Committee

**ARTICLE 15:** To see if the Town will vote to authorize the Tax Collector or Treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. § 506.

The Selectmen  
The Budget Committee

**ARTICLE 16:** To see if the Town will vote to appropriate the sum of \$177,568 from the tax increment of the Pipeline/RT 302 Tax Increment Financing District for FY 2011 - 2012 projects proposed in the Tax Increment Financing District Development Program.

Note: Included in this item are: Raymond-Casco Historical Society \$1,800  
Raymond Waterways Association Milfoil Program \$15,000

The Selectmen  
The Budget Committee

**ARTICLE 17:** To see if the Town will vote to raise and appropriate the sum of \$470,945 for the Administration account.

The Selectmen  
The Budget Committee

**ARTICLE 18:** To see if the Town will vote to raise and appropriate the sum of \$56,287 for the Assessing account.

The Selectmen  
The Budget Committee

**ARTICLE 19:** To see if the Town will vote to raise and appropriate the sum of \$28,253 for the Town Hall account.

The Selectmen  
The Budget Committee

**ARTICLE 20:** To see if the Town will vote to raise and appropriate the sum of \$452,982 for the Insurance account.

The Selectmen  
The Budget Committee

**ARTICLE 21:** To see if the Town will vote to raise and appropriate the sum of \$6,000 for the General Assistance account.

The Selectmen  
The Budget Committee

**ARTICLE 22:** To see if the Town will vote to raise and appropriate the sum of \$165,000 for the Technology Department account.

The Selectmen  
The Budget Committee

**ARTICLE 23:** To see if the Town will vote to raise and appropriate the sum of \$40,894 for the Community Development account.

The Selectmen  
The Budget Committee



**ARTICLE 24:** To see if the Town will vote to raise and appropriate the sum of \$578,196 for the Fire/Rescue Department account.

The Selectmen  
The Budget Committee

**ARTICLE 25:** To see if the Town will vote to raise and appropriate the sum of \$14,587 for the Animal Control account.

The Selectmen  
The Budget Committee

**ARTICLE 26:** To see if the Town will vote to raise and appropriate the sum of \$19,330 for the Infrastructure account.

The Selectmen  
The Budget Committee

**ARTICLE 27:** To see if the Town will vote to raise and appropriate the sum of \$607,981 for the Public Works account.

The Selectmen  
The Budget Committee

**ARTICLE 28:** To see if the Town will vote to raise and appropriate the sum of \$467,205 for the Solid Waste account.

The Selectmen  
The Budget Committee

**ARTICLE 29:** To see if the Town will vote to raise and appropriate the sum of \$16,112 for the Cemeteries account.

The Selectmen  
The Budget Committee

**ARTICLE 30:** To see if the Town will vote to raise and appropriate the sum of \$15,197 for the Parks & Recreation account.

Included are: Contract Services	\$6,697
Materials, Maintenance & Equipment	\$3,500
Raymond Rattlers Snowmobile Club	\$2,000
Raymond Baseball/Softball	\$1,000
Agawam mowing/Soccer	\$2,000

The Selectmen  
The Budget Committee

**ARTICLE 31:** To see if the Town will vote to raise and appropriate the sum of \$30,900 for the Raymond Village Library.

The Selectmen  
The Budget Committee

**ARTICLE 32:** To see whether the Town will vote to carry forward any existing fund balance in the Capital Improvement Program (C.I.P.) account.

The Selectmen  
The Budget Committee

**ARTICLE 33:** To see if the Town will vote to raise and appropriate the sum of \$675,667 for the Capital Improvement account.

The Selectmen  
The Budget Committee

**ARTICLE 34:** To see if the Town will vote to raise and appropriate the sum of \$589,325 for the County Tax account.

The Selectmen  
The Budget Committee

**ARTICLE 35:** To see if the Town will vote to appropriate the total sum of \$1,503,006 from estimated non-property tax revenues to reduce the property tax commitment, together with all categories of funds that may be available from the federal government and any other sources.

The Selectmen  
The Budget Committee

**ARTICLE 36:** To see if the Town will vote to authorize the Selectmen to accept or reject grants, donations and/or gifts of money to the Town of Raymond and to expend monies donated for specific purposes.

The Selectmen  
The Budget Committee

**ARTICLE 37:** To see if the Town will vote to accept certain State Funds as provided by the Maine State Legislature during the fiscal year beginning July 1, 2011 and any other funds provided by any other entity including but not limited to:

- A. Municipal Revenue Sharing
- B. Local Road Assistance
- C. Emergency Management Assistance
- D. Snowmobile Registration Money
- E. Tree Growth Reimbursement
- F. General Assistance Reimbursement
- G. Veteran's Exemption Reimbursement
- H. State Grant or Other Funds

The Selectmen

The Budget Committee

Given under our hands this      day of

AD 2011.

\_\_\_\_\_  
Joseph Bruno

\_\_\_\_\_  
Samuel Gifford

\_\_\_\_\_  
Charles Leavitt

\_\_\_\_\_  
Michael Reynolds

\_\_\_\_\_  
Lawrence Taylor

Selectmen of Raymond

DRAFT 3/3/11

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

ARTICLE \_\_: Shall Sections 4.2, 4.8, 5.5, 5.10 and 8 of the Town of Raymond Street Ordinance, as adopted May 18, 2002 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, and shall Appendix A be added, as shown below?

*[Note: The use of the word "Article" within the ordinance does not indicate a separate warrant article.]*

**Town of Raymond Street Ordinance**

4.2 Plans

Detailed construction drawings shall be submitted showing a plan view, profile and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersection. The plans shall include the following information:

- A. Date, scale and magnetic or true north point.
- B. Intersections of the proposed street with existing streets.
- C. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.
- D. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer and shall meet the minimum stormwater design and construction standards of Article ~~IX~~9, section 14 of the Subdivision Regulations.
- E. Complete curve data shall be indicated for all horizontal and vertical curves.
- F. Turning radii at all intersections.
- G. Centerline gradients.
- H. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, lighting and cable television.
- I. Kind, size, location, profile and cross-section of all existing and proposed drainage ways and structures and their relationship to existing structures.
- J. A soil erosion and sedimentation control plan in conformance with the requirements of Article 5, sSection V-2.B.17) of the Subdivision Regulations.

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

K. For streets to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article 9, sSection V~~H~~-145 of the Subdivision Regulations.

L. For a street that is to remain private, the application shall include a plan setting forth how the street and associated drainage structures are to be maintained. Responsibility for street maintenance may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that utilize the private street for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

#### 4.8 Back Lot Driveways

A. A back lot driveway shall not be constructed without prior Board approval. The applicant shall submit plans to the Board at least 21 days prior to a scheduled meeting of the Board. The fee schedule for review of plans for a back lot driveway shall be established by the Board of Selectmen. The application shall include the following information:

1. Names of applicants and owners of land for the location of the proposed back lot driveway.
2. A statement of any legal encumbrances on the land for the location of the back lot driveway.
3. The anticipated starting and completion dates.
4. The plans shall include a plan view and typical cross-section of the proposed back lot driveway including the locations of any streets or driveways located within 300 feet. The plans shall also include the following:
  - i. Date, scale and magnetic or true north point.
  - ii. Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways. Such structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer in conformance with the requirements of Article 9, sSection 14~~V~~-2.12 of the Subdivision Regulations.
  - iii. Locations of all existing and proposed overhead and underground utilities including, but not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

iv. A soil erosion and sedimentation control plan in conformance with the requirements of Article 9, sSection V-2.B.17) of the Subdivision Regulations.

v. For a back lot driveway to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article, sSection VII-145 of the Subdivision Regulations.

vi. The plan shall include any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of Article 9, sSections IX.T and IX.U of the Land Use Ordinance and include lot bearings, distances and proposed monumentation.

vii. If more than one residence is to have access to the back lot driveway, the application shall include a plan setting forth how the street and associated drainage structures are to be maintained. Responsibility may be assigned to a lot owners association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners association documents or proposed deed covenants for Board review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.

B. Upon receipt of plans for a proposed back lot driveway, the Code Enforcement Officer shall determine whether the application is complete. If the application is determine to be complete, the Code Enforcement Officer shall schedule it for review by the Board at the next regularly scheduled meeting.

C. The Board shall review the application and determine whether it complies with the requirements of Sections 4.8 and 5.5 of this Ordinance as well as all other applicable ordinances of the Town of Raymond. The Board shall grant or deny approval on such terms and conditions, as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Board shall sign the approved plan, which shall be recorded within 30 days of approval in the Cumberland County Registry of Deeds.

D. Public Hearing. If the Board determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, the Board may schedule a public hearing at its next regularly scheduled meeting. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed street, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.

## Town of Raymond Town Meeting Warrant – June \_\_, 2011

E. Should an applicant propose that a back lot driveway serve more than two back lots, such driveway must be improved to fully comply with the requirements for a private street.

### 5.5 Street Design Standards (amended 5-17-03)

A. The following standards apply to new public and private streets (see appendix A for illustration of typical street sections by type of street):

Description	Type of Street				
	Arterial	Collector	Minor Street	Private Street (a)	Back Lot Driveway
Minimum Right-of way Width	80'	60'	50'	50'	50' <sup>(a)</sup>
Minimum Travel Way Width	44'	22'	20'	18'	12'
Sidewalk Width	N/A	N/A	N/A	N/A	N/A
Minimum Grade	5%	5%	5%	5%	N/A
Maximum Grade	5%	6%	8%	10%	12%
Minimum Centerline Radius	500'	230'	150'	150'	N/A
Minimum Tangent between Curves of reverse alignment	200'	100'	50'	N/A	N/A
Roadway Crown	1/4"/ft	1/4"/ft	1/4"/ft	1/4"/ft	N/A
Minimum Angle of Street Intersections(2)	90°	90°	75°	75°	75°
Maximum Grade within 75 ft. of Intersection	2%	2%	2%	2%	N/A
Minimum Curb Radii at Intersections	30'	20'	15'	15'	N/A
Minimum ROW Radii at Intersections	20'	10'	10'	10'	10'
Minimum Width of Shoulders (each side)	5'	5'	5'	3'	1'

1. A private street which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with two-2 foot shoulders and a maximum grade of 12%. A private street which will serve 4-10 residences will have a minimum travel way of 16 feet with two 3-foot shoulders and a maximum road grade of 12%.

2. Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

3. Unless a right-of-way of lesser width is approved by the Code Enforcement Officer pursuant to Article 9, Section IX.T.1 of the Land Use Ordinance

### 5.10 Street Construction Standards

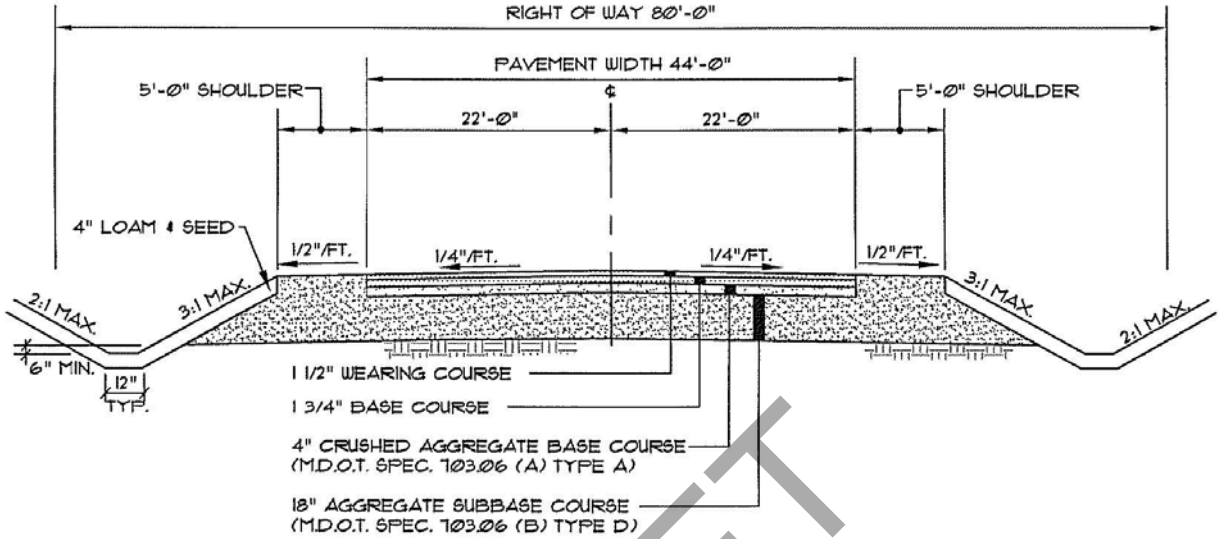
A. The following are minimum thicknesses after compaction (see appendix A for illustration of typical street sections by type of street).

## 8. Performance Guarantees

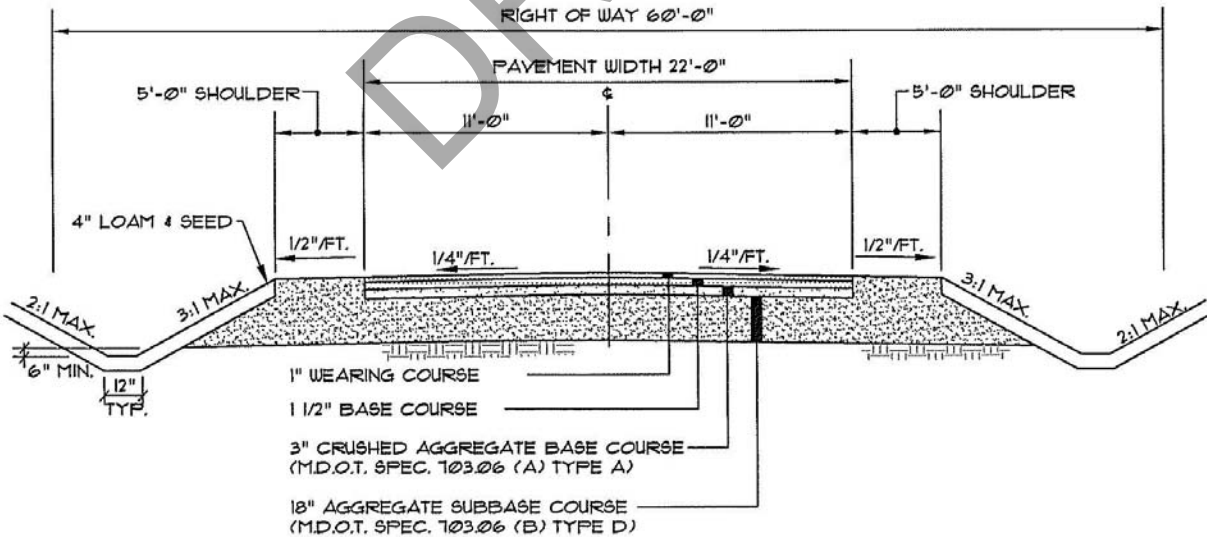
Performance guarantees shall be as described in Article ~~XIII~~ 8 of the Subdivision Regulations.

**Town of Raymond  
Town Meeting Warrant – June \_\_, 2011**

**Appendix A**



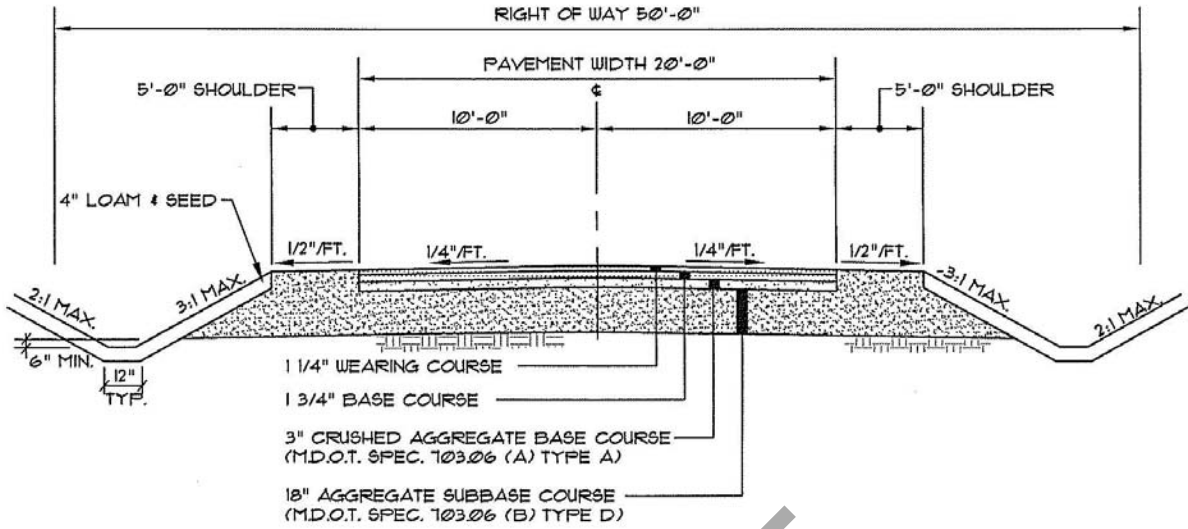
**ARTERIAL STREET SECTION**  
NOT TO SCALE



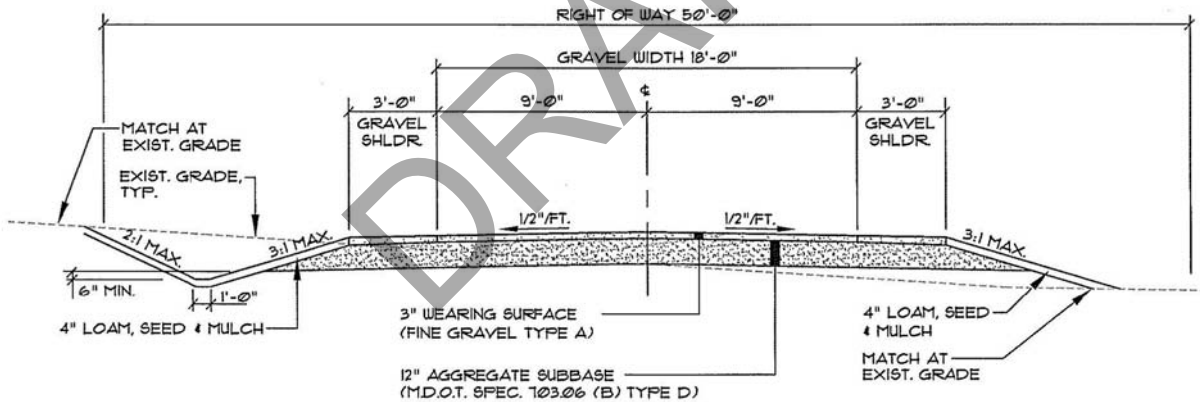
**COLLECTOR STREET SECTION**  
NOT TO SCALE



**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

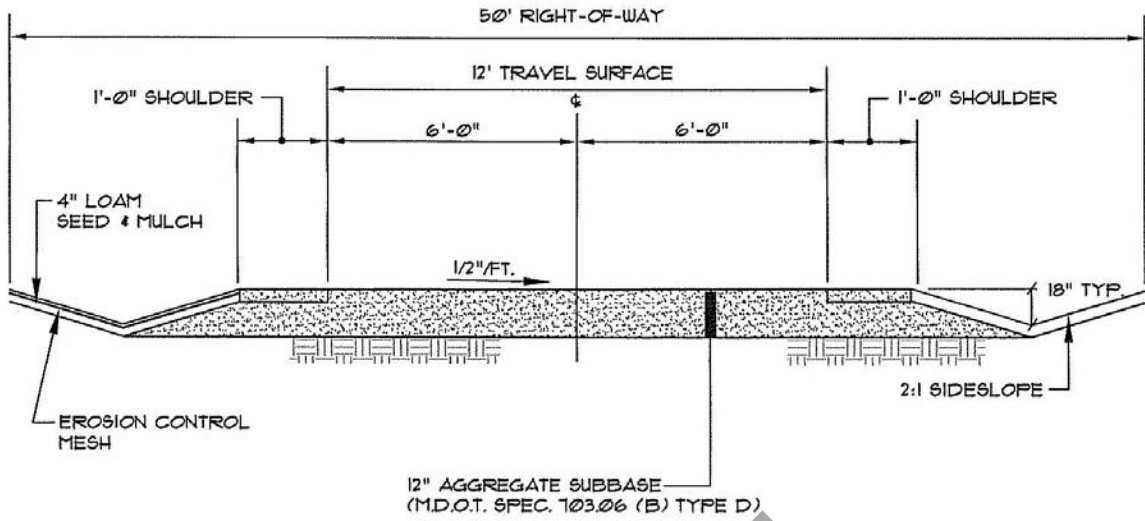


**MINOR STREET SECTION**  
 NOT TO SCALE

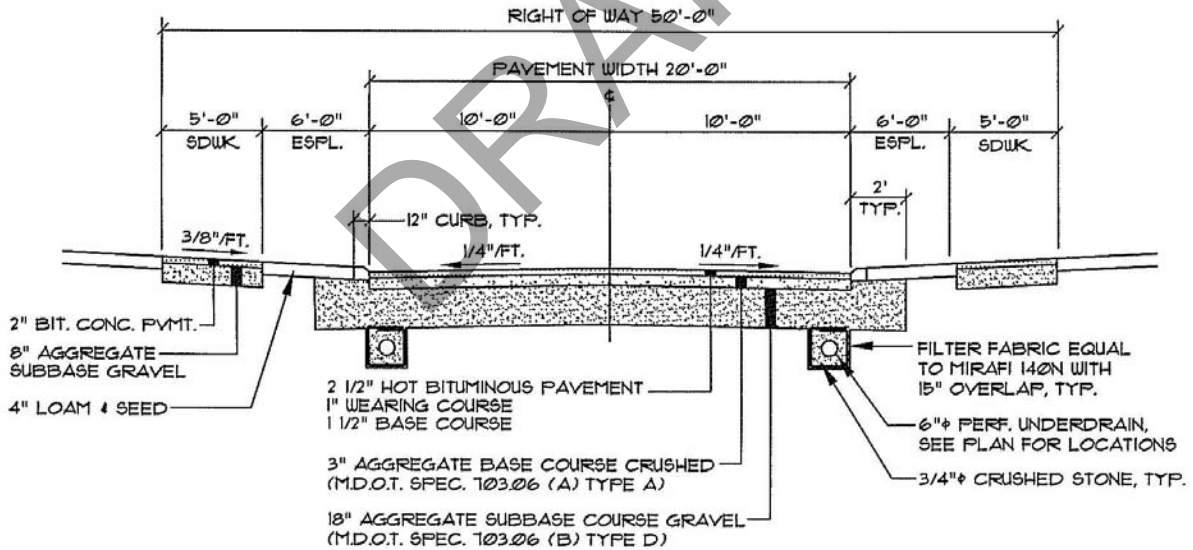


**PRIVATE STREET SECTION**  
 NOT TO SCALE

**Town of Raymond  
Town Meeting Warrant – June \_\_, 2011**



**BACK LOT DRIVEWAY SECTION**  
NOT TO SCALE



**STREET WITH SIDEWALK SECTION**  
NOT TO SCALE

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

ARTICLE \_\_: Shall the Town of Raymond Shoreland Zoning Provisions, as adopted May 21, 1994 and amended through June 1, 2010, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?

**INTRODUCTION**

These Shoreland Zoning provisions are a part of the Raymond Land Use Ordinance.

**SECTION 1. PURPOSES**

The purpose of these ordinance provisions is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

**SECTION 2. AUTHORITY**

These ordinance provisions have been prepared in accordance with the provisions of Title 38 Sections ~~sections~~ sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

**SECTION 3. APPLICABILITY**

These ordinance provisions apply to all land areas, as currently mapped and in effect, within 600 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; and any other land designated on the Official Raymond Land Use Map as a Resource Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II District. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending ~~beyond~~ below the normal high-water line of a water body or within a wetland.

**SECTION 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE**

**A. Effective Date**

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

These ordinance provisions, which were adopted by the Raymond Town Meeting on December 19, 1991, shall not be effective unless approved by the Department of Environmental Protection. A certified copy of these ordinance provisions, or ordinance amendments, attested and signed by the Town Clerk, shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on these ordinance provisions, or ordinance amendments, within forty-five (45) days of its receipt of these ordinance provisions, or ordinance amendments, they shall be deemed approved. ~~Upon approval of these ordinance provisions, the shoreland zoning provisions previously adopted prior to December 19, 1991 are hereby repealed.~~

Any application for a shoreland zoning-related permit submitted to the Town of Raymond within the forty-five (45) day period shall be governed by the terms of these ordinance provisions, or ordinance amendments, if these provisions, or ordinance amendments, are approved by the Department of Environmental Protection.

**B. Sections 15(P) and 15(P-1)**

Section 15(P) is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5)<sup>1</sup>, at which time Section 15(P-1) shall become effective. Until such time as Section 15(P) is repealed, Section 15(P-1) is not in effect.

**SECTION 5. AVAILABILITY**

A certified copy of these ordinance provisions shall be filed with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of these ordinance provisions shall be posted.

**SECTION 6. SEVERABILITY**

Should any section or provision of these ordinance provisions be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of these ordinance provisions.

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<sup>1</sup> The statutory date established under 38 M.R.S.A. section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is “the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards.” 38 M.R.S.A. section 438-A(5) further provides that “the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

**SECTION 7. CONFLICTS WITH OTHER ORDINANCES**

Whenever a provision of these shoreland ordinance provisions conflicts with or is inconsistent with another provision of these ordinance provisions, the other provisions of the Raymond Land Use Ordinance, or of any other ordinance, regulation or statute, administered by the municipality, the more restrictive provision shall control.

**SECTION 8. AMENDMENTS**

These ordinance provisions may be amended by majority vote of the Town Meeting. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Department of Environmental Protection. If the Department of Environmental Protection fails to act on any amendment within forty-five (45) days of the Department's receipt of the amendment, the amendment is automatically approved. Any application for a shoreland zoning-related permit submitted to the Town of Raymond within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Department.

**SECTION 9. DISTRICTS AND ZONING MAP**

**A. Official Raymond Land Use Map**

The areas to which these ordinance provisions are applicable are hereby divided into the following districts as shown on the Raymond Official ~~Raymond~~ Land Use Map, which is made a part of these ordinance provisions:

1. Resource Protection (RP)
2. Stream Protection (SP) *[Adopted 6/1/10]*
3. Limited Residential/Recreation (LRR1)
4. Limited Residential/Recreation II (LRR2)

Note: Article 4 of the Raymond Land Use Ordinance contains a description of Raymond's other zoning districts.

**B. Certification of Raymond Official ~~Raymond~~ Land Use Map**

The Raymond Official ~~Raymond~~ Land Use Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Office.

**C. Changes to the Raymond Official ~~Raymond~~ Land Use Map**

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

If amendments are made in the district boundaries or other matters portrayed on the Official Raymond Land Use Map, in accordance with Section 8, such changes shall be made on the Official Raymond Land Use Map within thirty (30) days after the amendment has been approved by the Department of Environmental Protection.

**SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES**

Unless otherwise set forth on the Raymond Official ~~Raymond~~ Land Use Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

**SECTION 11. LAND USE REQUIREMENTS**

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

DRAFT

**Town of Raymond**  
**Town Meeting Warrant – June \_\_, 2011**

**SECTION 12. NON-CONFORMANCE**

**A. Purpose**

It is the intent of these ordinance provisions to promote land use conformities, except that non-conforming conditions that legally existed before the effective date of these ordinance provisions or amendments hereto shall be allowed to continue, subject to the requirements set forth in this Section 12. Except as otherwise provided in these ordinance provisions, a non-conforming condition shall not be permitted to become more non-conforming.

**B. General**

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of these ordinance provisions.
2. Repair and Maintenance: These ordinance provisions allow, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that ~~which~~ do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as a federal, state, or local building and safety codes may require.

**C. Non-conforming Structures**

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. A conforming situation cannot be made nonconforming and a nonconforming situation cannot be made more nonconforming. *[Amended 5/18/02]*

**Further Limitations:**

- a. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, including after relocation, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had

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been expanded by 30% in floor area and volume since that date. [Amended 5/18/02]

- b. The replacement of wooden posts by concrete tubes or piers without raising the structure shall not be considered an expansion and shall not require the structure to be moved. However, the construction of a slab foundation would require the structure to be relocated. Construction or enlargement of a basement beneath the existing structure shall not be considered an expansion of the structure provided: *[Amended 5/18/02]*
- 1) that the structure and new basement are placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in subsection 2. Relocation, below; *[Amended 5/18/02]*
  - 2) that the completed basement does not extend beyond the exterior dimensions of the structure; *[Amended 5/18/02]*
  - 3) that the basement has a floor to ceiling height of six (6) feet or more, has more than 50% of its volume below the existing ground level and is not finished or used as living area; *[Amended 5/18/02]* and
  - 4) that the basement does not cause the structure to be elevated by more than three (3) additional feet above the original or new location's ground elevation. *[Amended 5/18/02]*
- c. No structure, which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland. Notwithstanding any other language in Section 12, Subsection C.1 or any other sections of the Ordinance, no portion of a porch, deck or patio that has no existing roof structure, and that is closer to the normal high-waterline than the existing enclosed area of the structure may be roofed over or enclosed. Only a porch, deck or patio that is attached to the main structure and that has a legally existing roof structure that is attached to or is an integral part of the main structure, and that is closer to the normal high-waterline than the existing enclosed area of the main structure may be enclosed to the extent of the footprint established by the legally existing roof structure. *[Amended 5/18/02]*
2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant



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demonstrates that the present subsurface sewage disposal system meets the requirements of State law, the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the Town's standards, or that a new system can be installed in compliance with the law, said Rules and local standards. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
  - b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within ~~one year~~ eighteen months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of these ordinance provisions. In no case shall a structure be reconstructed or replaced so as to

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increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer within one year of such damage, destruction, or removal. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

4. **Change of Use of a Non-conforming Structure:** The use of a non-conforming structure may not be changed to another use unless the Board of Appeals after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Board of Appeals shall require written documentation from the applicant, regarding the probable effects on public health and, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

**D. Non-conforming Uses**

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed permitted by Article 3 of the Raymond Land Use Ordinance and by Section 12, Subsection C.1.a above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming

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use except that the Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five- (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Board of Appeals. The determination of no greater adverse impact shall be made according to criteria listed in Section 12, Subsection C.4 above.

**E. Non-conforming Lots**

The provisions of this section shall apply to non-conforming lots in the shoreland districts, provided that the requirements of Article 3, Section A.3 of the Raymond Land Use Ordinance can first be met by said non-conforming lots.

1. Non-conforming Lots: A legal non-conforming lot of record as of the effective date of these ordinance provisions or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all requirements of these ordinance provisions and other relevant Town ordinances, except lot area size, lot width and shore frontage, can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore and road frontage shall be obtained by action of the Board of Appeals. *[Amended 5/18/02]*
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of these ordinance provisions, if all or part of the lots do not meet the dimensional requirements of these ordinance provisions, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine and local Subsurface Wastewater Disposal Rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of these ordinance provisions, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of these ordinance provisions.
3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption

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or amendment of these ordinance provisions, if any of these lots do not individually meet the dimensional requirements of these ordinance provisions or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements, except when the landowner can meet the requirements of Article 3, Section 3.b of the Raymond Land Use Ordinance prior to September 26, 1992.

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**SECTION 13. ESTABLISHMENT OF SHORELAND DISTRICTS**

**A. Resource Protection District (RP)**

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, except that areas that are currently developed need not be included in the Resource Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006 as of January 1, 1973. For purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during period of normal spring high water.
5. Land areas along rivers subject to severe bank erosion and undercutting.
6. Other land areas designated as Resource Protection on the Raymond Official ~~Raymond~~ Land Use Map.

**B. Stream Protection District (SP).**

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The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. *[Adopted 6/1/10]*

**C. Limited Residential/Recreational I District (LRR1)**

The Limited Residential/Recreational I District ~~include~~includes those areas suitable for moderate residential and recreational development as designated on the Raymond Official ~~Raymond~~ Land Use Map. It includes areas other than those in the Resource Protection or Stream Protection Districts.

**D. Limited Residential/Recreational II District (LRR2)**

The Limited Residential/Recreational II District includes those areas suitable for low-density residential and recreational development as designated on the Raymond Official ~~Raymond~~ Land Use Map. It includes areas other than those in the Resource Protection or Stream Protection Districts.

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**SECTION 14. TABLE OF LAND USES**

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. If a specific land use activity is not included in Table 1, the Board of Appeals shall make a determination about the applicability of these shoreland zoning provisions to said activity when so requested by a landowner or municipal official. The district designation for a particular site shall be determined from the Official Raymond Land Use Map.

**A. Key to Table 1:**

- Yes - Allowed (no permit required but the use must comply with all applicable State and local standards and ordinances.
- No - Prohibited
- PB - ~~Requires~~ Allowed with permit issued by the Planning Board
- CEO - ~~Requires~~ Allowed with permit issued by the Code Enforcement Officer

**B. Abbreviations:**

- RP - Resource Protection
- SP – Stream Protection
- LR/R-I - Limited Residential/Recreational I
- LR/R-II - Limited Residential/Recreational II

TABLE 1 “LAND USES IN THE SHORELAND ZONE”

LAND USES	RP	SP	LRR1 LRR2
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes
4. Timber harvesting*	CEO <sup>1</sup>	yes	yes
5. <u>Clearing or removal of vegetation for activities other than timber harvesting approved construction and other allowed uses</u>	CEO <sup>1</sup>	CEO	<del>yes</del> CEO
6. Fire prevention activities	yes	yes	yes
7. Wildlife management practices	yes	yes	yes

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8. Soil and water conservation practices	yes	yes	yes
9. Mineral exploration*	yes <sup>2</sup>	no	yes <sup>2</sup>
10. Mineral extraction including sand and gravel	CEO <sup>3</sup>	no	CEO
11. Surveying and resource analysis	yes	yes	yes
<b>LAND USES contd.</b>	<b>RP</b>	yes	<b>LRR1 LRR2</b>
12. Emergency operations	yes	yes	yes
13. Agriculture*	PB	PB	yes
14. Aquaculture	PB	.	PB
15. Principal structures and uses	.	no	.
15. A. Single family residential	no	no	CEO
15. B. Two family residential	no	no	CEO
15. C. Multi-family residential	no	PB	no
15. D. Small non-residential facilities for education, scientific, or nature interpretation purposes	PB	no	CEO
15. E. Municipal [Adopted 3/18/00]	no	no	PB
15 F. Elderly Housing [Added 5/21/05]	no	PB	yes
16. Structure accessory to allowed uses	PB	.	CEO
17. Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high water line or within a wetland	.	CEO	.
17. A. Temporary	CEO <sup>7</sup>	PB	CEO <sup>7</sup>
17. B. Permanent	PB	no	PB
18. Conversions of seasonal residences to year-round residences	no	no	CEO
19. Home occupations**	no	no	yes
20. Private sewage disposal systems for allowed uses	no	PB <sup>4</sup>	CEO
21. Essential services	PB <sup>4</sup>	yes	PB
22. Service drops, as defined, to allowed uses	yes	PB	yes
23. Public and private recreational areas involving minimal structural development	PB	CEO	PB
24. Personal campsites	CEO	no	CEO
25. Campgrounds	no <sup>5</sup>	PB	PB
26. Road and driveway construction*	no <sup>6</sup>	no	CEO
27. Parking facilities	no <sup>5</sup>	PB	PB
28. Marinas	no	CEO	PB
29. Filling and earthmoving of less than 10 cubic yards	CEO	PB	yes
30. Filling and earthmoving of more than 10 cubic yards	PB	yes	CEO
31. Signs*	yes	CEO	yes
32. Uses similar to allowed uses	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	PB	CEO
34. Uses similar to uses requiring a PB permit	PB		PB

\* There may be additional performance standards in Article 9 of the Raymond Land Use Ordinance beyond those in Section 15 of these shoreland zoning provisions.



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**\*\* Home occupations are those land uses that conform with the requirements of Article 9. A home occupation that conforms to Article 9 and that is specifically permitted by Article 11 of the Raymond Land Use Ordinance shall be considered a permitted use in the Limited Residential/Recreation I and II Districts. All other home occupations not specifically listed in the definitions of home occupations in Article 12 of the Raymond Land Use Ordinance shall be considered conditional uses that must conform to the standards set forth in Article 9, Section B of the Raymond Land Use Ordinance and that must be reviewed and approved by the Appeals Board.**

<sup>1</sup> In RP not permitted within 100 feet of the normal high water line of great ponds, except to remove safety hazards.

<sup>2</sup> Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

<sup>3</sup> In RP not permitted in areas so designated because of wildlife value.

<sup>4</sup> See further restrictions in Section 15, Subsection M.2.

<sup>5</sup> Except for Panther Run's floodplain, in which case a permit is required from the Planning Board.

<sup>6</sup> Except to provide for permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.

<sup>7</sup> Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

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**SECTION 15. LAND USE STANDARDS**

All land use activities within the shoreland zone shall conform to the following provisions, if applicable. An asterisk (\*) found next to the section headings listed below indicates that there may be additional performance standards in Article 9 of the Raymond Land Use Ordinance.

**A. Minimum Lot Standards and Setbacks**

1. Lots shall meet or exceed the following minimum lot size requirements:
  - a. Limited Residential/Recreational I - two (2) acres; and
  - b. Limited Residential Recreational II - three (3) acres.
  - c. Resource Protection and Stream Protection – For purposes of determining minimum lot size requirements for land within the RP and SP districts, those districts shall be treated as overlay districts and the minimum lot size shall be the minimum required under Article 4 of the Town of Raymond Land Use Ordinance. *[Adopted 6/1/10]*
2. A lot abutting a lake, pond, river, stream, road, water body or wetland shall meet or exceed the following minimum shore and road frontage requirements *[Amended 3/18/00] [Amended 5/18/02]*:
  - a. Residential per dwelling unit - 225 feet;
  - b. Governmental, Institutional, Commercial, or Industrial per principal structure - 300 feet; and
  - c. Public and Private Recreational Facilities - 225 feet.

Shore frontage shall be measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevations.

1. The minimum building setbacks shall be as follows:
  - a. Front - 30 feet;
  - b. Side - 20 feet;
  - c. Rear - 30 feet; and

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- d. Normal high water line of a lake, pond, stream, or other water body, or the upland edge of a protected wetland, whichever is greater, except when covered by Section 15, Subsection A.3.e. below - 100 feet.
  - e. Upland edge of a protected wetland of 10 or more acres in size that is rated as having high or moderate wildlife habitat value - 250 feet.
  - f. Right-of-way owned by the property owner, the set back shall be no closer to the traveled portion than the abutting property owners building or 10 feet which ever is less. *[Adopted 3/18/00]*
2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
  3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
  4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use. If more than one residential dwelling unit, ~~or more than one~~ principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure, or use.
  5. Elderly Housing as defined in the Land Use Ordinance shall:
    - a. Meet a net residential density of forty thousand (40,000) square feet per unit.
    - b. Meet the standards of Article 8, C, (Items 1 & 3.a. & b, & D. in the Land Use Ordinance. *[Added 5/21/05]*

**B. Principal and Accessory Structures**

4. All new permitted principal and accessory structures shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of any lakes, ponds, other water bodies, tributary streams, or the upland edge of a wetland. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is

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constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

In addition the water body, tributary stream, or wetland setback provision shall apply to neither structure that require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

2. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- 1) 3. Principal or accessory structures and expansions of existing structures that are permitted in the Resource Protection, Stream Protection, Limited Residential/Recreational I, and Limited Residential/Recreational II Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- 2- 4. The first lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood level as defined by soil types identified as recent flood plain soils. Any new construction, including prefabricated buildings, shall be anchored to prevent flotation and lateral movement and shall be constructed with flood-resistant materials and methods. All new and replacement water supply and sewage disposal facilities shall be so located and designed as to minimize infiltration, contamination or other impairment by flooding.
- 2) 5. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed fifteen (15) percent of the lot or a portion thereof located within the shoreland zone, including land area previously developed.

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6. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- a. The site has been previously altered and an effective vegetated buffer does not exist;
  - b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
  - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
  - f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
  - g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
    - 1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
    - 2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
    - 3) Only native species may be used to establish the buffer area;
    - 4) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

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- 5) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.
- 3) 7. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

**C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below Beyond the Normal high-water Line of a Water Body or Within a Wetland**

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character existing conditions, use, and character of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
5. All temporary structures must be removed to beyond the normal high water line by December first of each year, or a penalty of \$100.00 per day beyond December first shall be imposed.
6. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
7. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
8. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland

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shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

9. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resource Protection Act, Title 38 M.R.S.A., Section 480-C.

**D. Campgrounds**

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures, Town standards and the following:

1. Campgrounds shall contain a minimum of twenty thousand (20,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of any lake, pond, other water bodies, tributary streams, or the upland edge of a wetland.

**E. Personal Campsites\***

Any premise providing temporary accommodation for campers in a recreational vehicle, trailer or tent and used exclusively by the owner of the property and his/her immediate family shall be permitted, provided the following conditions are met:

1. Such private campgrounds shall be limited to no more than one (1) campsite and may not be utilized for more than 90 calendar days per calendar year, beginning from the date of first use, including storage of a recreational unit, excepting that, the owner of a lot/parcel used as his/her primary residence may store the recreational vehicle(s) or camper(s) owned and registered to him/her. All structures must be removed at the end of the 90 days.
2. If two recreational vehicles or trailers are sited on one lot/parcel located in the shoreland district, each shall contain at least 30,000 square feet, and in all other zones each campsite shall contain at least 30,000 square feet.
3. In no case shall two campsites comprise more than fifty (50) percent of any lot/parcel, and in no case shall the campsite(s) comprise more than fifty (50) percent of any lot/parcel which also has a seasonal or year round structure on the lot/parcel.



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4. All setback requirements must be met, which shall apply to any part of tent or recreational unit, including awnings.
5. A permit must be obtained before the first day of use.
6. Size of a tent or recreational unit on an individual campsite shall be limited to 280 square feet of floor area, measured from the overall outside dimensions.
7. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
8. All waste must be disposed of according to all State and local regulations.
9. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

**F. Commercial and Industrial Uses**

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to any lakes, ponds, and Panther Run, including but not limited to:

1. Auto washing facilities;
2. Auto or other vehicle service and/or repair operations, including body shops;
3. Chemical and bacteriological laboratories;
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms;
5. Commercial painting wood preserving, and furniture stripping;
6. Dry cleaning establishments;
7. Electronic circuit assembly;
8. Laundromats, unless connected to a sanitary sewer;
9. Metal plating, finishing, or polishing;

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10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
11. Photographic processing;
12. Printing.

**G. Parking Areas\***

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located and shall also meet the off-street parking requirements contained in Article 9 of the Raymond Land Use Ordinance. The setback requirement for parking areas serving public boat launching facilities ~~may~~ shall be reduced to no less than fifty (50) feet, horizontal distance, from the normal high-water line or upland edge of a wetland shoreline or tributary stream; if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - a. Typical parking space/vehicle: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - b. Internal travel aisles: Approximately twenty (20) feet wide.

**H. Roads and Driveways**

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board ~~may reduce the road and/or driveway setback requirement~~ shall be to no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate

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techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational purposes. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its their setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District, ~~in which case~~ the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
5. Road and driveway grades shall be no greater than eight (8) percent.
6. A new driveway in any zone shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. *[Adopted 12/19/91] [Amended 5/15/93] [Amended 3/20/99]*
7. In order to prevent road and driveway surface drainage from directly entering water bodies tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body,

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tributary stream, or upland edge of a wetland. ~~Road~~s Surface drainage, which is directed to an unscarified buffer strip, shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. All cut or fill banks and areas of exposed mineral soil in the immediate vicinity of watercourses shall be revegetated or otherwise stabilized.

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<b>Road Grade Spacing</b>	<b>Percentage Grade</b>	<b>Feet</b>
	0 – 2%	250
	3 – 5%	200 - 135
	6 – 10%	100 - 80
	11 – 15%	80 - 60
	16 – 20%	60 – 45
	21% +	40

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is eight (8) percent or less.
- c. On road sections having slopes greater than eight (8) percent, ditch relief culverts shall be placed across the road at approximately a thirty- (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

**I. Signs\***

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The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts:

1. Signs ~~and billboards~~ relating to goods and services sold on the premises shall be ~~permitted~~ allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. ~~Billboards and s~~Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs ~~shall be~~ are permitted allowed, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be ~~permitted~~ allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be ~~permitted~~ allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

**J. Storm Water Runoff and Flood Protection**

1. All new construction and development and related site improvements shall be designed, located, and constructed, both during their construction and as constructed, to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm water.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
3. No development of any nature shall be permitted within Zones A or A1-A30 on the Flood Insurance rate Map unless the developer demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not raise the flood elevation more than one foot at any point in the community, or cause any detrimental impacts to downstream properties or receiving waters. A full analysis of the impact of the

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proposed development shall be undertaken by a Licensed Professional Engineer. The analysis shall, at a minimum, consider the following;

- The impact of the development on downstream channel velocities and potential for erosion.
- The capacity of receiving channels and structures.
- Pre-development and post-development flood elevations.
- The impact of any reduction in flood storage capacity.

An engineering study shall be undertaken for all subdivisions proposed on land that falls within a flood zone, where the flood plain elevation has not been determined. *[Amended 12/02/08]*

4. In the event that any alteration or relocation of a watercourse is proposed, before processing an application further, the Building Inspector shall notify any adjacent downstream communities, the Maine Department of Inland Fisheries and Wildlife, and the Maine Bureau of Civil Emergency Preparedness, with copies of such notices to the Federal Emergency Management Agency, of the proposed action, and such alteration or relocation shall be permitted only in a manner which will assure that the existing capability of the watercourse to carry a 100-year flood is maintained.

**K. Septic Waste Disposal\***

1. All plumbing shall be connected to public collection and treatment facilities when such facilities are available.
2. All subsurface sewage disposal systems shall be installed in conformance with the "State of Maine Subsurface Wastewater Disposal Rules" (Rules) and Town regulations. The State's Rules, among other standards, require that:
  - a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body.
  - b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.
3. Where daily sewage flow exceeds 2,000 gallons, the minimum setback for new subsurface sewage disposal systems shall be 300 feet from the normal high-water line of a perennial water body.
4. The minimum setback distances from water bodies for all new subsurface sewage disposal systems shall not be reduced by variance.

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5. Privies shall not be permitted in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts.
6. All development or construction within 250 horizontal feet of normal high water line of a perennial water body shall meet the requirements of the regulations adopted by the Portland Water District on June 3, 1988; these regulations are to be enforced by the Town of Raymond.

**L. Essential Services**

1. Where feasible, the installation of essential services, other than road-side distribution lines, shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in the Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

**M. Mineral Exploration and Extraction\***

Mineral exploration within 250 feet of normal high water line of a lake, pond, stream, or other water body, or upland edge of a wetland to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Planning Board shall be required for mineral exploration, which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A conditional use permit for mineral extraction in locations where permitted under the terms of the Raymond Land Use Ordinance must be obtained from the Board of Appeals in accordance with the provisions of said Ordinance, and provided that plans for the requested mineral extraction shall be specifically illustrated in the application for the conditional use.

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2. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) paragraph 4 below.
3. The plan review by the Planning Board and the Board of Appeals shall take into consideration the standards contained in this section and in Article 9, Section E of the Raymond Land Use Ordinance.
4. ~~Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C, n~~No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within one hundred (100) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland.
5. Extraction operations shall be at least seventy-five (75) feet between the edge of the digging or quarrying activities and any property line. Extraction operations shall not be permitted within one hundred (100) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
6. The operation shall be shielded from surrounding property with adequate screening and shall create no disturbance of a water source. Appropriate fencing or landscaping shall be provided to screen the site of digging operations from any public right-of-way and from any dwelling within 250 feet of the property lines of the excavation site.
7. Specific plans shall be established to avoid hazards from excessive slopes or standing water.
8. Dust or other air pollutants shall be kept to a minimum by appropriate landscaping, paving, oiling, or fencing.
9. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed inoperative when less than one thousand (1,000) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.



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- b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
  - c. Sufficient top soil or loam shall be retained to cover all disturbed land areas with a three (3) inch layer, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project. Such seeding and restoration shall be provided by the applicant.
10. In keeping with the purposes of these ordinance provisions, the Planning Board and Board of Appeals may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

**N. Agriculture**

- 1. All spreading or disposal of manure shall be accomplished in conformance with the ~~Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July 1972~~ Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- 2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or a river flowing to a great pond, or within one hundred (100) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. ~~Existing facilities, which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.~~ *[Amended 5/18/02]*
- 3. Agricultural activities involving tillage of soil in a Resource Protection District, or the tillage of soil greater than twenty thousand (20,000) square feet in surface area, ~~or the spreading, disposal or storage of manure~~ within the shoreland zone shall require a ~~Soil and Water Conservation Plan~~ to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of these ordinance provisions.
- 4. There shall be no new disturbance of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of these

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ordinance provisions and not in conformance with these provisions may be maintained.

5. ~~After the effective date of these ordinance provisions, n~~Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a ~~Soil and~~ Water Conservation Plan.

**O. Beach Construction**

Beach construction on any great pond shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Department of Environmental Protection.

**P. Timber Harvesting\***

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond, there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform to the following provisions:
  - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 ½ feet above the ground level on any lot in any ten (10) year period is permitted within two hundred-fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river; within two hundred-fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. In addition:
    - 1) Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high- water mark of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well- distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

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- 2) At distances greater than one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water mark of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. ~~For the purposes of these standards~~ Volume may be considered to be equivalent to basal area.
- 3) Timber harvesting operations exceeding the 40 percent limitation in paragraph a., may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and is carried out in accordance with the purposes of shoreland zoning. The Planning Board shall notify the commissioner of each exception allowed.
- b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
  - 1) Surface waters are frozen; and
  - 2) The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

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- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten-(10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

**P-1. Timber Harvesting – Statewide Standards**

[Effective on effective date established in Section 4(B)]

1. Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
2. Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
  - a. Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
  - b. Adjacent to great ponds, rivers and wetlands:
    - 1) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

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- 2) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
3. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
  - a. Option 1 (40% volume removal), as follows:
    - 1) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
    - 2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
    - 3) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.
  - b. Option 2 (60 square foot basal area retention), as follows:
    - 1) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
    - 2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
    - 3) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great

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pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

- c. Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

4. Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.
- a. Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
- b. Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
- c. Setbacks:
- 1) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment

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operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

- 2) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
5. Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.
- a. Land management roads and associated ditches, excavation, and fill must be set back at least:
    - 1) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;
    - 2) 50 feet, horizontal distance, from the normal high-water line of streams; and
    - 3) 25 feet, horizontal distance, from the normal high-water line of tributary streams
  - b. The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the

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installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- c. On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- d. New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- e. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- f. Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- g. Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming



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existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

- h. Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
  - i. Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
6. Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- a. Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
  - b. Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).
  - c. Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land

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Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

- d. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
- e. Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
- 1) a map showing the location of all proposed permanent crossings;
  - 2) the GPS location of all proposed permanent crossings;
  - 3) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
  - 4) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- b. Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
- 1) concentrated water runoff does not enter the stream or tributary stream;
  - 2) sedimentation of surface waters is reasonably avoided;
  - 3) there is no substantial disturbance of the bank, or stream or tributary stream channel;
  - 4) fish passage is not impeded; and,
  - 5) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

- c. Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

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- 1) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.
- 2) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
  - i. use of temporary skidder bridges;
  - ii. removing culverts prior to the onset of frozen ground conditions;
  - iii. using water bars in conjunction with culverts;
  - iv. using road dips in conjunction with culverts.
- 3) Culverts utilized in river, stream and tributary stream crossings must:
  - v. be installed at or below river, stream or tributary stream bed elevation;
  - vi. be seated on firm ground;
  - vii. have soil compacted at least halfway up the side of the culvert;
  - viii. be covered by soil to a minimum depth of 1 foot or according to the
  - ix. culvert manufacturer's specifications, whichever is greater; and
  - x. have a headwall at the inlet end which is adequately stabilized by riprap
  - xi. or other suitable means to reasonably avoid erosion of material around the culvert.
- 4) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
- 5) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to

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avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

- d. Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- 1) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
  - 2) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
  - 3) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- e. Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
- 1) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
  - 2) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

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- 3) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
- xii. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
  - xiii. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
  - xiv. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

7. Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

<u>Average slope of land between exposed mineral soil and the shoreline (percent)</u>	<u>Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)</u>
<b><u>0</u></b>	<b><u>25</u></b>
<b><u>10</u></b>	<b><u>45</u></b>
<b><u>20</u></b>	<b><u>65</u></b>
<b><u>30</u></b>	<b><u>85</u></b>
<b><u>40</u></b>	<b><u>105</u></b>
<b><u>50</u></b>	<b><u>125</u></b>
<b><u>60</u></b>	<b><u>145</u></b>
<b><u>70</u></b>	<b><u>165</u></b>

**Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting Development**

1. Within In a shoreland area zoned for Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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Elsewhere, in any Resource Protection District the cutting or removal ~~clearing~~ of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, and one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed ~~ten~~ six (106) feet in width as measured between tree trunks and/or shrub stems is ~~permitted~~ allowed provided that a cleared line of sight to the water through the buffer strip is not created. ~~Adjacent to a great pond, or stream or river flowing to a great pond, the width of the footpath shall be limited to six (6) feet.~~
- b. Selective cutting of trees within the buffer strip is ~~permitted~~ allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees ~~and other vegetation~~" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of ~~12~~ 24 or more in any each 25 foot by ~~25~~ 50 foot square ~~rectangular~~ (~~625~~ 1250 square feet) area as determined by the following rating system.

<b>Tree at 4<math>\frac{1}{2}</math> feet Above Ground Level (diameter in inches)</b>	<b>Points</b>
<del>2</del> - <4 inches	1
4 - <del>&lt;8</del> <u>12</u> inches	2
<del>8</del> - <12 inches <del>and over</del>	4
<u>12 inches or greater</u>	<u>8</u>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees ~~and other vegetation~~" is defined as maintaining a minimum rating score of ~~8~~ 16 per 25-foot by 50-foot rectangular ~~square~~ area. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 $\frac{1}{2}$  feet above ground level may be removed in any ten (10) year period.

The following shall govern in applying this point system:

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- 1) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- 2) Each successive plot must be adjacent to, but not overlap a previous plot;
- 3) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- 4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- 5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(PQ)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

- c. ~~In order to protect water quality and wildlife habitat, adjacent to great ponds, streams and rivers which flow to great ponds,~~ existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2), (a) above. [Amended 5/20/02]
- d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present. A determination about the condition of any such storm damage, diseased, unsafe, or dead trees shall be made by a certified forester or the CEO, prior to the removal of said trees.

~~The provisions contained in Section 15(Q)(2) paragraph 2 above shall~~ does not apply to those portions of public recreational facilities adjacent to public swimming areas- as long as cCleared areas are, however, shall be limited to the minimum area necessary.

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3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high-water line of any lake, pond, river flowing to a great pond, and any other water body, tributary stream, or the upland edge of a wetland, ~~except to allow for the development of permitted uses,~~ there shall be ~~permitted~~ allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ~~1/2~~ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty- (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area. In no event shall cleared openings for ~~any purpose development,~~ including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously developed.
4. ~~Legally existing nonconforming c~~Cleared openings legally in existence on the effective date of these ordinance provisions may be maintained, but shall not be enlarged or have chemical applied, except as ~~permitted~~ allowed by these ordinance provisions.
5. Fields, and other cleared openings which have reverted primarily to shrubs, trees, or other woody vegetation, shall be regulated under the provisions of ~~this~~ sSection 15(Q).

**R. Erosion and Sedimentation Control**

1. Filling, grading, lagooning, dredging, earth moving and other land use activities shall be conducted in such a manner to prevent erosion and sedimentation of surface waters to the maximum extent practical. All activities, which result in unstabilized soil conditions and which require a permit shall be developed in accordance with a Erosion and Sedimentation Control Plan prepared in conformance with the requirements of “*Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection*”, March 2003, and subsequent revisions thereof. *[Amended 12/02/08]*
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all



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stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
  - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
  - d. Additional winter construction requirements as prescribed by "*Maine Erosion and Sediment Control Best Management Practices*", latest revision, prepared by the Maine Department of Environmental Protection, shall be adhered to as appropriate.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

**S. Soils\***

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data, which the evaluator

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deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

**T. Water Quality\***

No activity shall store, deposit on or into the ground, discharge, or permit the discharge into the waters of the State of any treated, untreated or inadequately treated liquid, gaseous, solid material, or pollutant of such nature, quantity, obnoxiousness, toxicity, or temperature, such that, by itself or in combination with other activities or substances, it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, harm, or impair designated uses or the water classification of such water bodies, tributary stream or wetland, or cause nuisance, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

**U. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

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**SECTION 16. ADMINISTRATION**

**A. Administering Bodies and Agents**

1. Code Enforcement Officer - The Code Enforcement Officer shall be appointed or re-appointed annually by July 1st.
2. Board of Appeals - The Board of Appeals shall be maintained in accordance with the provisions of Title 30-AM.R.S.A. Section 2691.
3. Planning Board - The Planning Board shall be maintained in accordance with the provisions of State law.

**B. Permits Required**

After the effective date of these ordinance provisions no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued non-conforming use. A person who is issued a permit pursuant to these ordinance provisions shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
2. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

**C. Permit Application**

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by ~~the~~ an owner or individual who can show evidence of right, title or interest in the owners of the property or other person by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, authorizing the work, certifying that the information in the application is complete and correct. ~~If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.~~

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3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

**D. Procedure for Administering Permits**

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of these ordinance provisions.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of these ordinance provisions.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions.
2. Will not result in water pollution, erosion, or sedimentation to surface waters.
3. Will adequately provide for the disposal of all wastewater.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.

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6. Will protect archaeological and historic resources as designated in the comprehensive plan.
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.
8. Will avoid problems associated with flood plain development and use.
9. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered ~~any State laws, which by the municipality is responsible for enforcing.~~

**E. Expiration of Permit**

~~Permits shall expire one year from the date of issuance. Following the issuance of a permit, if no a substantial start is not made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.~~

**F. Installation of Public Utility Service**

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate Town officials. Following installation of service, the company or district shall forward the written authorization to the appropriate Town officials, indicating that installation has been completed.

**G. Appeals**

1. Powers and Duties of the Board of Appeals - The Board of Appeals shall have the following powers:
  - a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made

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by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of these ordinance provisions.

- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in these ordinance provisions.
2. Variance Appeals - Variances may be ~~permitted~~ granted only under the following conditions:
- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
  - b. Variances shall not be granted for establishment of any uses otherwise prohibited by these ordinance provisions.
  - c. The Board shall not grant a variance unless it finds that:
    - 1) The proposed structure or use would meet the provisions of Section 15 after for the specific provision which has created the non-conformity and from which relief is sought; and
    - 2) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
      - i. that the land in question cannot yield a reasonable return unless a variance is granted;
      - ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      - iii. That the granting of a variance will not alter the essential character of the locality; and
      - iv. that the hardship is not the result of action taken by the applicant or a prior owner.
  - d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed. The Board may grant a setback variance for a single family dwelling only when strict application of the Zoning Ordinance to the petitioner and the petitioner's

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property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- 1) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
  - 2) The granting of the variance will not alter the essential character of the locality;
  - 3) The hardship is not the result of action taken by the applicant or a prior owner;
  - 4) The granting of the variance will not substantially reduce or impair the use of abutting property; and
  - 5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available. A variance under this subsection may be permitted only from the setback requirements for a single family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the combined area of the dwelling and any other structures to exceed the maximum permissible lot coverage. *[Adopted 5/15/93]*
- ~~e. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.~~
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 15 (A) of these provisions according to all of the following criteria:
- 1) Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback

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reduction appeals shall not be used, and are not available from bodies of water as provided in these provisions.

- 2) Setback reduction appeals may only be granted and are only available for:
  - i. Lots in existence as of 12/31/86: and
  - ii. Lots with a residential dwelling as the principal structure.
- 3) The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
- 4) In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it may deem necessary to serve the purposes of these provisions.
- 5) A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
- 6) A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
- 7) No setback reduction appeal may be granted that will result in impervious surface lot coverage of greater than 15%.
- 8) Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by setback reduction appeal to less than the following absolute minimum setbacks:

Front yard	15 feet
Side yard	10 feet
Rear yard	15 feet <i>[Adopted 3/18/00]</i>

**3. Appeal Procedure**

**a. Making an Appeal**

- 1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that



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the Board, upon a showing of good cause, may waive the thirty- (30) day requirement.

- 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes:
    - i. A concise written statement indicating what relief is requested and why it should be granted.
    - ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
  - 3) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
  - 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.
- b. Decision by Board of Appeals
- 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
  - 2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under these ordinance provisions, or to affect any variation in the application of these ordinance provisions from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of these ordinance provisions.
  - 3) The person filing the appeal shall have the burden of proof.
  - 4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

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- 5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
4. Appeal to Superior Court - Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.
5. Reconsideration - The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

**H. Enforcement**

1. Nuisances - Any violation of these ordinance provisions shall be deemed to be a nuisance.
2. Code Enforcement Officer
  - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of these ordinance provisions. If the Code Enforcement Officer shall find that any provision of these ordinance provisions is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
  - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of these ordinance provisions.
  - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

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3. Legal Actions - When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of these ordinance provisions in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these ordinance provisions and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
  
4. Fines - Any person, including but not limited to a landowner, a landowner's agent or a contractor, who ~~orders or conducts~~ violates any ~~activity in violation~~ provision or requirement of these this ordinance ~~Ordinance provisions~~ shall be penalized in accordance with Title 30-A, ~~Maine Revised Statutes Annotated~~ M.R.S.A., Subsection 4452.

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**SECTION 17. DEFINITIONS**

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is always mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "lot" includes the word "plot" or "parcel." The words "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged, or designed to be used or occupied."

Except as specifically defined herein, all words in these shoreland zoning ordinance provisions shall carry their customary dictionary meanings, unless specifically defined in the Raymond Land Use Ordinance or in the "State of Maine Guidelines for Municipal Shoreland Zoning Ordinances." If there are conflicting definitions in the Raymond Land Use Ordinance and in the "State of Maine Guidelines for Municipal Shoreland Zoning Ordinances," the stricter definition shall be used.

**Height of structure** – The vertical distance measured from the mean original grade to the highest portion of the structure, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area. The mean original grade shall be determined by computing the average of the highest original grade and the lowest original grade adjacent to the structure.

**Personal campsite** - An area of land that is not associated with a campground, but which: (a) provides temporary accommodation for campers in a recreational vehicle, trailer or tent; (b) is developed for repeated camping by only one group not to exceed ten (10) individuals; and (c) is used exclusively by the owner of the property and his/her immediate family. A personal campsite may involve site improvements that may include but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.

**Recent Flood Plain Soils** - Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial Cornish Charles Fryeburg Hadley Limerick Lovewell Medomak Ondawa Podunk Rumney Saco Suncook Sunday Winooski

**River** - A free-flowing body of water including its associated floodplain and wetlands from that point at which it provides drainage for a watershed of twenty-five (25) miles to its mouth. According to State of Maine information, the only river meeting the definition of a "river" is Panther Run.

**Shoreland zone** - The land area located within six hundred (600) feet, horizontal distance, of the normal high water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of freshwater wetland;

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within one hundred (100) feet, horizontal distance, of the normal high water line of a stream; or within an area designated on the Official Raymond Land Use Map as a Resource Protection, Stream Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II district.

**Stream** - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. *[Amended 6/01/10]*

**Wetland** - A freshwater wetland. A forested wetland shall not be considered to be a wetland for the purposes of these shoreland zoning ordinance provisions.

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