

***SELECTMEN'S EPACKET***  
***List of Files***  
***April 5, 2011***

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## BOARD OF SELECTMEN

### AGENDA

April 5, 2011

7:00 p.m.

Broadcast Studio

### SELECTMEN'S MEETING

- 1) Call to order.
- 2) Minutes of previous meeting dated March 8, 2011
- 3) New business.
  - a) Request for Letter of "Non-Action" Pursuant to a Shoreland Zoning Matter (Map 033, Lot 002B)- Leo & Elizabeth Belill, Represented by Attorney Leslie Lowry
  - b) CMP Smart Meter Presentation and Discussion- Suzanne Bussiere, Customer Service Adviser
  - c) Consideration/Update of Raymond Beach Management Plan- Jeff Pomeroy
  - d) Consideration of Ordinance Changes as Submitted by the Planning Board- Planner Hugh Coxe
  - e) Consideration of Ordinance Changes as Submitted by Fire Department- Fire Inspector Craig Messinger
  - f) 2011 Election Warrant- Town Clerk Louise Lester
  - g) Consideration/Approval of Printing Bid- Town Clerk Louise Lester
  - h) Consideration of Abatements- Board of Selectmen
  - i) Discussion of Proposed Warrant Article to Form Road Improvement Study Committee- Town Manager Don Willard
  - j) Request for Elected Official Recall Ordinance for 2011 Town Meeting- Jack Fitch and Frank McDermott
  - k) Executive Session pursuant to 1 MRSA § 405(6)(A): Personnel Issue: Violation Executive Session Rules
- 4) Old (unfinished) business.
  - a) Policy Review: Selectmen Bylaws & Policies- Adding a section from Maine Law Title 30-A
- 5) **Public Comment** This agenda item is for the public to bring attention to any issues and concerns for future Board of Selectmen meetings.

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

*Board of Selectmen Agenda, April 5, 2011*

*Page 1 of 2*

*Deadline for next Agenda: April 29, 2011*

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

**a) Confirm dates for meetings:**

- **May 10, 2011**
- **Proposed Assessing Workshop with Contract Assessor Mike O'Donnell for April 19, 2011**

**b) RSU#14 is wrapping up last of Budget Workshops**

- **April 6, 2011 at 6:30pm at Raymond Elementary School Gym**
- **School Board will be Voting on Warrants and Notice of Public Meeting at May 4<sup>th</sup> Meeting.**

**c) Deadline for Nomination Papers is April 29<sup>th</sup> at 4:00pm. See Town Clerk for details**

**d) Deadline for Raymond Scholarship is April 30<sup>th</sup> at 12:00pm. See Town Clerk for details.**

**e) Discussion/Approval of Cost-Share for Feasibility Study for possible shared use of JSMS from Contingency.**

**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 formal vote of the Board of Selectmen.

**8) Fiscal Warrants – Payroll and Appropriation Warrants – April 5, 2011**

**9) Adjournment.**

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*Board of Selectmen Agenda, April 5, 2011*

*Page 2 of 2*

*Deadline for next Agenda: April 29, 2011*



**BOARD OF SELECTMEN  
AGENDA SUMMARY**

April 5, 2011

7:00 p.m.

Broadcast Studio

**SELECTMEN'S MEETING**

- 1) Call to order.
- 2) Minutes of previous meeting dated March 8, 2011
- 3) New business.
  - a) **Request for Letter of "Non-Action" Pursuant to a Shoreland Zoning Matter (Map 033, Lot 002B)- Leo & Elizabeth Belill, Represented by Attorney Leslie Lowry**

Leo & Elizabeth Belill are seeking to sell their property at 158 Dryad Woods Road, which is a nonconforming lot because it does not meet the Shoreland Zoning Ordinance §15(A)(2)(a) criteria of having 225 feet of lot frontage within 100 feet of the water front. In 1996, when this lot was created, a building permit and certificate of occupancy were issued in error. Attorney Lee Lowry Appeared before the Zoning Board of Appeals on March 14, 2011 and a request for a variance was denied because it did not meet the four criteria of Hardship under Raymond Land Use Ordinance §16(G)(2)(c). Mr. Lowry has asked to come before the Board of Selectmen to request a Letter of Non-action/Consent Agreement so that the Belill's may sell the property, which is under contract. Town Attorney Shana Mueller will be present to answer questions and offer guidance. Materials regarding this matter are attached to the ePacket.

- b) **CMP Smart Meter Presentation and Discussion- Suzanne Bussiere, Customer Service Adviser**

On January 11, 2011, the Board of Selectmen decided to table discussion about the use of Smart Meters in Raymond until the Public Utilities Commission (PUC) came back with their findings. The Town has recently received notice (attached to ePacket) that Central Maine Power (CMP) is going to begin installing Smart Meters. Suzanne Bussiere from CMP will make a brief presentation to the Board of Selectmen and will be available to answer questions about the Smart Meter program.

- c) **Consideration/Update of Raymond Beach Management Plan- Jeff Pomeroy**

Jeff Pomeroy will be updating the Selectmen about his current plans and progress in his private sector beach management plan for Raymond Beach. He last appeared before the Selectmen on February 8, 2011, where he was given conditional approval for a floating restaurant, but still needs to have his final plans reviewed and approved by the Board of Selectmen. (See ePacket attachments).

- d) **Consideration of Ordinance Changes as Submitted by the Planning Board- Planner Hugh Cox**

On March 16, 2011, the Planning Board held a public hearing to allow citizen input on ordinance changes that have been proposed. The Board of Selectmen will consider approval of these changes to be included in the Warrant for the 2011 Annual Town Meeting (June 7, 2011 @ 7:00pm). Proposed ordinance materials

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are attached to the ePacket.

**e) Consideration of Ordinance Changes as Submitted by Fire Department- Fire Inspector Craig Messinger**

On March 16, 2011, the Fire Department also had a public hearing to allow citizen input on ordinance changes that have been proposed. The Board of Selectmen will consider approval of these changes to be included in the Warrant for the 2011 Annual Town Meeting (June 7, 2011 @ 7:00pm). Proposed ordinance materials are attached to ePacket. Fire Inspector Craig Messinger and Assistant Fire Chief Bruce Tupper will be presenting these ordinances and will be available to answer questions.

**f) 2011 “Warrant for the Election of Officers”- Town Clerk Louise Lester**

Town Clerk Louise Lester will be presenting the 2011 “Warrant for the Election of Officers” for Selectmen approval, which would allow for a secret ballot to occur on June 14, 2011.

**g) Consideration/ Approval of Printing Bid- Town Clerk Louise Lester.**

Town Clerk Louise Lester sent out a Request for Proposals to gather bids for the printing of the 2011. Attached to the ePacket are the responses and explanations for services offered.

**h) Consideration of Abatements- Board of Selectmen**

Contract Assessor Michael O'Donnell has a short list of abatements (attached to the ePacket) for Selectmen review. Mr. Willard will be presenting these to the Selectmen for consideration.

**i) Discussion of Proposed Warrant Article to Form Road Improvement Study Committee- Town Manager Don Willard**

In order to assist the Public Works Department secure funding for capital road maintenance work, a proposed Annual Town Meeting Warrant Article to form a Road Improvement Study Committee has been drafted. The charge of this committee would be to study ways to fund future capital road improvements in Raymond.

**j) Request for Elected Official's Recall Ordinance for 2011 Town Meeting- Jack Fitch and Frank McDermott**

Raymond Residents, Jack Fitch and Frank McDermott, are asking the Board of Selectmen to consider creating an Elected Official's Recall Ordinance as authorized by M.R.S.A. Title 30-A §2602(6). This would allow Raymond residents to petition for the removal of elected officials, with the exception of school board members, from office. Attached to the ePacket are examples of Recall Ordinances from various towns including Casco, Skowhegan, Palmyra and Minot.

**k) Executive Session pursuant to 1 MRSA § 405(6)(A): Personnel Issue: Violation Executive Session Rules**

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

**a) Policy Review: Selectmen Bylaws & Policies- Adding a section from Maine Law Title 30-A**

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At the last meeting, on March 8, 2011, the Board of Selectmen made the decision to incorporate M.R.S.A. Title 30-A §2635 into the "Selectmen Bylaws & Policies." The amended document, which is attached to ePacket, will be considered and may be approved by the Board of Selectmen.

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**8) Fiscal Warrants – Payroll and Appropriation Warrants – April 5, 2011**

**9) Adjournment.**

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Attorneys at Law

TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
(207) 775-7271 (Phone)  
(207) 775-7935 (Fax)

www.jbgh.com

KENNETH M. COLE III  
NICHOLAS S. NADZO  
FRANK H. FRYE  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
LAWRENCE R. CLOUGH  
ALAN R. ATKINS  
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BRENDAN P. RIELLY  
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LORAIN L. HITE  
MARCIA G. CORRADINI  
NICHOLAS J. MORRILL  
KATHLEEN T. KONKOLY  
MARK A. BOWER  
JENNIFER W. PETERS

MERTON C. HENRY  
JAMES E. KAPLAN  
OF COUNSEL

RAYMOND E. JENSEN  
(1908-2002)

KENNETH BAIRD  
(1914-1987)

M. DONALD GARDNER  
(1918-2003)

YORK COUNTY  
OFFICE

11 MAIN STREET, SUITE 4  
KENNEBUNK, MAINE 04043

(207) 985-4676 (Phone)  
(207) 985-4932 (Fax)

March 17, 2011

Via email and mail.

Board of Selectmen  
c/o Mr. Don Willard  
Town Manager, Town of Raymond  
401 Webbs Mills Road  
Raymond, ME 04071

Re: Consent Agreement--Leo and Elizabeth Belill, Map 33 Lot 2, Sublot B, 158 Dryad Woods Road

Dear Chair Bruno and Members of the Board of Selectmen:

Our office represents Leo and Elizabeth Belill, the owners of the single family residential property located at the above address. We are writing to request to be placed on the Board of Selectmen's meeting agenda for April 5, 2011, in order to consider and act upon the Belills' request to enter into a Consent Agreement regarding a recently discovered zoning problem at their property.

In 1996, when they were living in New Jersey (they now reside in Florida, as they have for the past several years), the Belills acquired the land at Dryad Woods Road from the Kaminskis (next door neighbors and relatives) and constructed a home on the property.

Recently, in connection with a proposed sale of the Belill property, a zoning issue was discovered to exist at the property. The zoning violation has been in existence since 1996, and is as follows:

There is a portion of the Belill lot that is located within 100' of the normal high water mark of Crescent Lake, and the width of that portion does not meet the minimum frontage requirement (225') under the Shoreland Zoning Ordinance (please see the enclosed plan).

The Belills applied for a variance to allow the violation to remain, but their appeal to the Board of Appeals was denied on March 14<sup>th</sup>. By way of information, none of the abutters or the



March 17, 2011

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general public appeared in opposition to the variance. The Belills have not appealed that decision of the Board.

It was recommended to the Belills that they make a request to the Board of Selectmen to enter into a "Consent Agreement" in order to bring some closure to the problem. The Belills understand the seriousness of the situation, and understand that any such agreement will undoubtedly acknowledge the existence of the violation and include appropriate limitations to ensure that the condition is not made any worse.

We want to provide some background materials to the Board to aid in its evaluation of the circumstances. I will simply try to list the facts, as we understand them, and provide copies of relevant or supporting documents and correspondence.

1. **Exhibit A.** A survey of the division of the Kaminski property showing the Belill lot was prepared in October, 1996. The survey was done by Pat Cayer of Land Services Inc. The survey shows the property boundaries as they exist today, including proposed building setbacks.
2. **Exhibit B.** A Building Permit dated Dec. 14, 1996, issued by the CEO for the construction of the Belill home.
3. **Exhibit C.** A mortgage loan inspection plan done by Pat Cayer of Land Services Inc. dated February 11, 1997.
4. **Exhibit D.** A subsurface waste disposal permit issued March 19, 1997, for the Belill and Kaminski property.
5. **Exhibit E.** A Certificate of Occupancy issued to the Belills for their house, dated March 19, 1997.
6. **Exhibit F.** A copy of the relevant provision of the Shoreland Zoning Ordinance which appears to be violated by the Belill property.
7. **Exhibit G.** A copy of a letter from Pat Cayer of Land Services Inc. dated February 28, 2011, providing his recounting of his recollection of the process for obtaining approval of the land division and house location undertaken in 1996.

The dilemma for the Belills is that in order to now make their property comply with the SZO (i.e. to remove the violation), they would need to do the following:

- (a) remove from their ownership a more or less triangular portion of their lot that is situated within 100' of the normal high water line of Crescent Lake; and
- (b) physically relocate the house on the property (because transferring the land would create a new building lot line setback violation), probably by moving it easterly about 30 feet, including a new foundation, grading and similar site work, utility service re-connections (including power, wastewater and water) and removal of a portion of the porch from the northwesterly corner of the house (it appears a portion would not comply with side line setbacks if the house is moved as described).

Jensen Baird  
Gardner Henry

March 17, 2011

Page 3

The Belills think it is important to note that the lot and house received appropriate permits issued by the Town; the house does not violate Shoreland setbacks to the water; the house does not violate side setbacks to the neighbors; and, except for the width of the portion of the lot within 100 feet of the Lake, the lot is in compliance with zoning requirements.

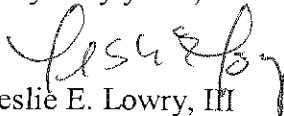
The Belills believed they were working with good, quality professionals in undertaking this project in 1996, and they still believe that today. To the best of the Belills' knowledge, they can only conclude that a mistake or misinterpretation was made by the CEO, the builder, and the surveyor regarding the cited SZO provision in connection with their lot and home. If this issue had been identified at that time, it would have been very easy to change the project design to cause total compliance with the SZO without compromising the quality of the project, and the Belills would have happily done so. It is not remotely credible to think that they would have made such an enormous investment knowing that the lot and house location violated the SZO provision -- the consequences are too dire to act with such folly.

The Belills understand and respect the importance and function of Shoreland Zoning. However, the "curing" of this particular violation would not advance the purposes of Shoreland Zoning. Assuming that building setback from the water and density of lots and houses along or near the water is the primary means of protecting the scenic and water quality goals of the SZO, simply moving this house back does not serve those functions in any material way. The density would be the same and, if anything, creating more disturbances to the ground by construction activities would be potentially bad for the Lake, even when those activities are undertaken fully in compliance with applicable standards for such construction practices.

We respectfully request to be placed on the April 5<sup>th</sup> Agenda and look forward to meeting with the Selectmen. We are also very hopeful that a conclusive decision is made at that meeting since the Belills are in danger of losing their contract purchasers. Their sale contract goes back to October, 2010, and has been struggling along while a separate title issue was resolved, followed by this zoning issue. We are not certain how much patience (and good graces) the buyers can or will demonstrate.

In my conversation with Manager Willard, he suggested we provide a copy of this letter and materials to the Town attorney, and I am doing so simultaneously with sending this letter to you. If there are any questions or other items you believe we need to provide, we trust that someone from the Town will advise us of that fact. In my

Very truly yours,

  
Leslie E. Lowry, III

cc. Shoshana Cook-Meuller, Esq.; Christopher Hanson; clients



Permit # 96-168V Form of Raymond T BUILDING PERMIT APPLICATION Fee \$21.00 Zone 188T Map 33 Lot # 2C  
 Please fill out any part which applies to job. Proper plans must accompany form

Owner Leo + Elizabeth Bell Phone 1-609-799-2135  
 Location of construction Dryad Woods Ed.  
 Contractor Silver Ridge Custom Homes  
 Address P.O. Box 437, Spiegelwood, NC Phone 655-2136  
 Est. construction costs \$175,000.00 Proposed use Residence  
 # of existing res units 0 # of new res units 1

DATE 12-14-96 FOR OFFICIAL USE ONLY  
 Inside fire limits 96 Sub-division  
 Bldg Code 0200 Lot #  
 Time Limit 12 mo Ownership  
 Estimated Cost 175,000 Public/Private

Building dimensions 42 W 36 Total sq ft 3000  
 # of stories 2 Bedrooms 3 Lot size 2 acres  
 Proposed use Seasonal Condominium Conversion Review Required:  
 Explain conversion \_\_\_\_\_

Zoning:  
 Street Frontage Provided 100 Back 500 Side 20 Side 20  
 Provided setback front 100 Back 500 Side 20 Side 20

FOUNDATION  
 1. Type of Soil clay, gravel, loam  
 2. Set Backs Front 100' Rear 500' Sides 20'  
 3. Footing size 10" x 20"  
 4. Foundation 10" poured concrete  
 5. Other \_\_\_\_\_

CELLINGS:  
 1. Ceiling Joists Size 2x10"  
 2. Ceiling strapping Size 1x3" Spacing 16" o/c  
 3. Type of Ceiling sheetrock  
 4. Insulation type Battens - R-38  
 5. Ceiling Height see plan

FLOORS:  
 1. Sill size 2x6 PT. Sills must be anchored  
 2. Girdler size 2x12"  
 3. Lally column spacing 7-6" max Size 4" steel concrete  
 4. Joist size 2x10" Spacing 16" o/c  
 5. Bridging type wood Size 2x10"  
 6. Floor sheathing Type O.S.B T&G Size 3/4"  
 7. Other material \_\_\_\_\_

ROOF:  
 1. Truss or Rafter Size see plan Blue raft  
 2. Sheathing Type CDX - F1R Span 24'  
 3. Roof covering Type Asphalt shingls Size 12"  
 CHIMNEYS:  
 Type Block Masonry Tile/Pipe Number of fireplaces 1

EXTERIOR WALLS:  
 1. Studding size 2x6 Spacing 16" o/c  
 2. No. windows 20  
 3. No. Doors 5  
 4. Header sizes 2x10 Span 6' max  
 5. Bracing Yes No  
 6. Corner post size 2x6  
 7. Insulation type 2x6 size 6"  
 8. Sheathing type O.S.B size 7/16"  
 9. Siding type Cedar shingles Weather exposure 5"  
 10. Masonry materials None  
 11. Metal materials \_\_\_\_\_

HEATING:  
 Type of Heat FLW  
 ELECTRICAL:  
 Service Entrance Size 200 Amp Smoke Detector Required Yes

INTERIOR WALL:  
 1. Studding size 2x4 Spacing 16" o/c  
 2. Header size 2x6" (Sparks) 6" max  
 3. Wall covering type gypsum board  
 4. Fire wall if required No  
 5. Other materials \_\_\_\_\_

PLUMBING:  
 1. Approval of soil test if required Yes  No   
 2. No. of Tubs or Showers 2  
 3. No. of Flushes 3  
 4. No. of Lavatories 4  
 5. No. of other Fixtures 1  
 SWITCHING POOLS:  
 1. Type \_\_\_\_\_ Square Foot \_\_\_\_\_  
 2. Pool Size \_\_\_\_\_  
 3. # MUST CONFORM TO NATIONAL ELECTRICAL CODE AND STATE LAW.

PERMIT RECEIVED BY \_\_\_\_\_  
 SIGNATURE OF APPLICANT Stephen Flaney Date 12/11/96  
 SIGNATURE OF C.E.O. John J. Brown Date 12-14-96

EXHIBIT 1

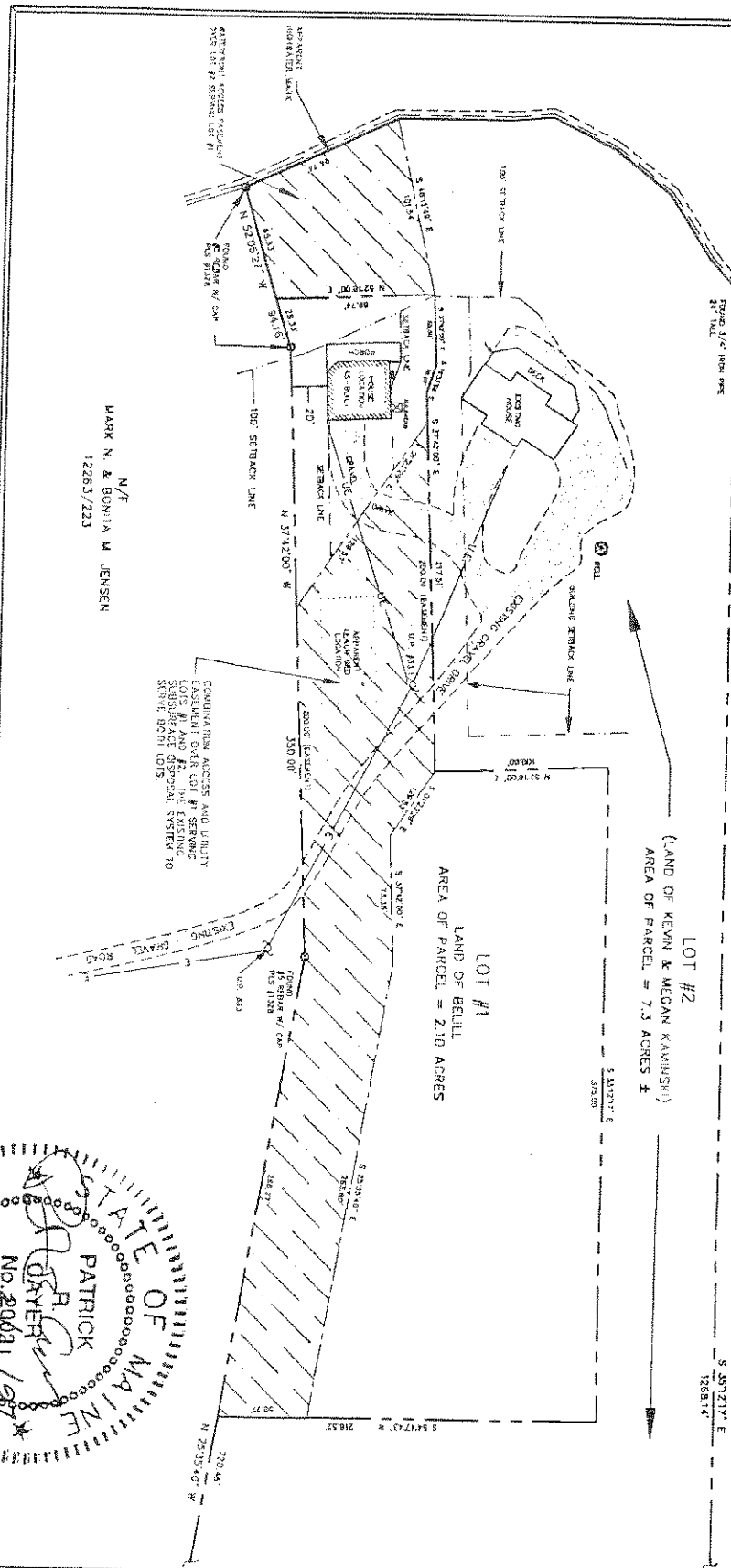
EXHIBIT C

# CRESCENT

# LAKE



N/F  
SARA A. FOLEY  
JANET D. GREANE  
8/30/1995



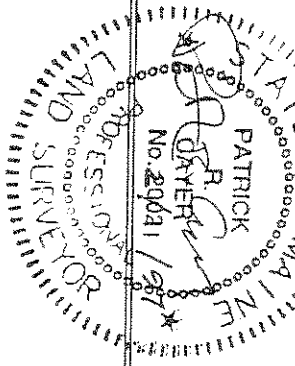
N/F  
MARK N. & BONITA M. JENSEN  
12263/223

### NOTES:

1. THIS IS NOT A BOUNDARY SURVEY. BOUNDARY INFORMATION TAKEN FROM PLAN REFERENCED IN NOTE 2 BELOW. THIS PLAN APPLIES ONLY TO CONDITIONS EXISTING AS OF THE DATE SHOWN. CERTIFICATION IS FOR MORTGAGE PURPOSES ONLY.
2. REFERENCE IS MADE TO A SURVEY PLAN ENTITLED "DIVISION OF PROPERTY ON CRESCENT LAKE - DRYAD WOODS ROAD NORTH - RAYMOND, MAINE" DATED OCTOBER 1, 1998, PREPARED BY LAND SERVICES, INC.
3. I HEREBY CERTIFY TO THE LENDING INSTITUTION AND ITS TITLE INSURERS THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT ACCORDING TO THE MUNICIPALITY OF RAYMOND:
  - A) THE BUILDING LOCATION AS SHOWN DID COMPLY WITH THE ZONING ORDINANCE WHEN CONSTRUCTED AND,
  - B) THE BUILDING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR THIS AREA PREPARED BY F.E.M.A.

LOT #2  
(LAND OF KEVIN & MEGAN KAWINSKI)  
AREA OF PARCEL = 7.3 ACRES ±

LOT #1  
(LAND OF BELL)  
AREA OF PARCEL = 2.10 ACRES



<p><b>Land Services Inc.</b> Land Surveyors &amp; Consultants 1285 Raymond Road P.O. Box #20 Raymond, Maine 04071 Tel: (603) 850-4843 Fax: (603) 850-6535</p>	<p><b>MORTGAGE INSPECTION</b> OF PROPERTY LOCATED ON <b>DRYAD WOODS ROAD NORTH</b> RAYMOND, MAINE</p>	<p>MADE FOR: <b>LEO T. &amp; ELIZABETH J. DELILL</b> 439 CLARVILLE ROAD PRINCETON, NJ 08550</p>	<p>DATE FILED: 11/19/97 SCALE: 1" = 100' PLAT: 13 OF 1 TITLE: 8803500 PROJECT: 81234</p>
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# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health Services  
Division of Health Engineering

**PROPERTY ADDRESS**

Block # \_\_\_\_\_  
 Parcel # \_\_\_\_\_  
 Street \_\_\_\_\_  
 Subdivision lot # \_\_\_\_\_

**PROPERTY OWNERS NAME**

Last: Reilly First: Lee

Applicant Name: John J. Harvey

Mailing Address of Owner/Applicant (if Different):  
11111 937 Riverside Ave

**PERMIT INFO**

2242 ✓ TOWN COPY

Date Permit Issued: 12/11/96

Local Plumbing Inspector Signature: John J. Harvey

LPI # 2-5-39

Double Fee Charged

**Owner/Applicant Statement**

I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Caution: Inspection Required**

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules.

Local Plumbing Inspector Signature: John J. Harvey

Date Approved: 3-19-97

**PERMIT INFORMATION**

<p><b>THIS APPLICATION IS FOR:</b></p> <p>1. <input type="checkbox"/> NEW SYSTEM                  2. <input type="checkbox"/> REPLACEMENT SYSTEM                  3. <input type="checkbox"/> EXPANDED SYSTEM                  4. <input type="checkbox"/> EXPERIMENTAL SYSTEM</p> <p><b>SEASONAL CONVERSION</b>                  to be completed by the LPI</p> <p>5. <input type="checkbox"/> SYSTEM COMPLIES WITH RULES                  6. <input type="checkbox"/> CONNECTED TO SANITARY SEWER                  7. <input type="checkbox"/> SYSTEM INSTALLED - P/I                  8. <input type="checkbox"/> SYSTEM DESIGN RECORDED AND ATTACHED</p> <p><b>IF REPLACEMENT SYSTEM:</b>                  YEAR FAILING SYSTEM INSTALLED _____</p> <p>THE FAILING SYSTEM IS:</p> <p>1. <input type="checkbox"/> BED      3. <input type="checkbox"/> TRENCH                  2. <input type="checkbox"/> CHAMBER      4. <input type="checkbox"/> OTHER _____</p> <p>SIZE OF PROPERTY: <u>2 AC</u>      ZONING: <u>Shoreland</u></p>	<p><b>THIS APPLICATION REQUIRES:</b></p> <p>1. <input type="checkbox"/> NO RULE VARIANCE                  2. <input type="checkbox"/> NEW SYSTEM VARIANCE                      Attach New System Variance Form                  3. <input type="checkbox"/> REPLACEMENT SYSTEM VARIANCE                      Attach Replacement System Variance Form                  a. <input type="checkbox"/> Requiring Local Plumbing Inspector Approval                  b. <input type="checkbox"/> Requires State and Local Plumbing Inspector Approval                  4. <input type="checkbox"/> MINIMUM LOT SIZE VARIANCE</p> <p><b>DISPOSAL SYSTEM TO SERVE:</b></p> <p>1. <input type="checkbox"/> SINGLE FAMILY DWELLING                  2. <input type="checkbox"/> MODULAR OR MOBILE HOME                  3. <input type="checkbox"/> MULTIPLE FAMILY DWELLING                  4. <input type="checkbox"/> OTHER _____ SPECIFY _____</p>	<p><b>INSTALLATION IS:</b>                  COMPLETE SYSTEM</p> <p>1. <input type="checkbox"/> NON-ENGINEERED SYSTEM                  2. <input type="checkbox"/> PRIMITIVE SYSTEM                      (Includes Alternative Toilet)                  3. <input type="checkbox"/> ENGINEERED (+ 2000 gpd)</p> <p><b>INDIVIDUALLY INSTALLED COMPONENTS:</b></p> <p>4. <input checked="" type="checkbox"/> TREATMENT TANK (ONLY)                  5. <input type="checkbox"/> HOLDING TANK _____ GAL                  6. <input type="checkbox"/> ALTERNATIVE TOILET (ONLY)                  7. <input type="checkbox"/> NON-ENGINEERED DISPOSAL AREA (ONLY)                  8. <input type="checkbox"/> ENGINEERED DISPOSAL AREA (ONLY)                  9. <input type="checkbox"/> SEPARATED LAUNDRY SYSTEM</p> <p><b>TYPE OF WATER SUPPLY</b>  <u>well</u></p>
--	---	--

**DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)**

<p><b>TREATMENT TANK</b></p> <p>1. <input checked="" type="checkbox"/> SEPTIC: <input type="checkbox"/> Regular                      <input type="checkbox"/> Low Profile                  2. <input type="checkbox"/> AEROBIC</p> <p>SIZE: <u>1000</u> GALS</p>	<p><b>WATER CONSERVATION</b></p> <p>1. <input type="checkbox"/> NONE                  2. <input type="checkbox"/> LOW VOLUME TOILET                  3. <input type="checkbox"/> SEPARATED LAUNDRY SYSTEM                  4. <input type="checkbox"/> ALTERNATIVE TOILET</p> <p>SPECIFY _____</p>	<p><b>PUMPING</b></p> <p>1. <input type="checkbox"/> NOT REQUIRED                  2. <input type="checkbox"/> MAY BE REQUIRED                      (DEPENDS ON TREATMENT TANK LOCATION AND ELEVATION)                  3. <input type="checkbox"/> REQUIRED</p> <p>DOSE: _____ GALS</p>	<p><b>CRITERIA USED FOR DESIGN FLOW (BEDROOMS, SEATING, EMPLOYEES, WATER RECORDS, ETC.)</b></p>
<p><b>SOIL CONDITIONS USED FOR DESIGN PURPOSES</b></p> <p>PROFILE: _____ CONDITION: _____</p> <p>DEPER TO LISTING FACTOR: _____</p>	<p><b>SIZE RATINGS USED FOR DESIGN PURPOSES:</b></p> <p>1. <input type="checkbox"/> SMALL                  2. <input type="checkbox"/> MEDIUM                  3. <input type="checkbox"/> MEDIUM-LARGE                  4. <input type="checkbox"/> LARGE                  5. <input type="checkbox"/> EXTRA LARGE</p>	<p><b>DISPOSAL AREA TYPE/SIZE:</b></p> <p>1. <input type="checkbox"/> BED _____ Sq. Ft.                  2. <input type="checkbox"/> CHAMBER _____ Sq. Ft.                      <input type="checkbox"/> REGULAR <input type="checkbox"/> H-20                  3. <input type="checkbox"/> TRENCH _____ Linear Ft.                  4. <input type="checkbox"/> OTHER: _____</p>	<p><b>DESIGN FLOW:</b> _____ (GALLONS/DAY)</p>

**SITE EVALUATOR STATEMENT**

On \_\_\_\_\_ (date) I conducted a site evaluation for this project and certify that the data reported is accurate. The system I propose is in accordance with the Subsurface Wastewater Disposal Rules.

Site Evaluator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Local Plumbing Inspector's Signature (if permit is for Seasonal Conversion): \_\_\_\_\_

TOWN COPY

EXHIBIT **D**

# TOWN of RAYMOND, MAINE

Building Inspection Department

## CERTIFICATE of OCCUPANCY

Issued to: Leo Bolé

Date: 3-19-97

This is to certify that the building or part thereof located at Dryed woods Rd

Map Number 33 Lot 2C has had a final inspection under Building Permit No. 96168

and occupancy is hereby authorized.

Limiting Conditions:

  
BUILDING INSPECTOR

# **Town of Raymond, Shoreland Zoning Ordinance**

## **SECTION 15. LAND USE STANDARDS.**

### **A. Minimum Lot Standards and Setbacks**

...

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

EXHIBIT         F





# Land Services Inc.

*Land Surveyors & Consultants*

1259 Roosevelt Trail  
P.O. Box 975  
Raymond, Maine 04071

Voice: 207-655-4945  
Fax: 207-655-5053  
E-mail: [lsi@maine.rr.com](mailto:lsi@maine.rr.com)

Leslie E. Lowry, Esq.  
Jensen Baird Gardner & Henry  
Ten free street  
P.O. Box 4510  
Portland, Maine 04112-5410

February 28, 2011

RE: Leo and Elizabeth Belill Property  
Dryad Woods Road  
Raymond, Maine

Dear Mr. Lowry:

This letter is intended to provide some basic information regarding my involvement in 1996 regarding the Belill property situated on Dryad Woods Road in Raymond Maine. Keep in mind that this is based on my best recollection of what transpired in 1996.

Land Services Inc. (LSI) was retained in the fall of 1996 by Steve Harvey of Silver Ridge Custom Homes (the Builder) to perform necessary surveying services for the purpose of making a determination as to whether or not a second residence could be constructed on the principal lot then owned by Kevin and Megan Kaminski, upon which there was a single family home in existence at that time. Raymond CEO Jack Cooper was consulted initially for discussion regarding the potential for placement of a second residence on the Kaminski parcel. At that time we were advised that it would be possible to do so as long as the proposed structure could meet the required building setback dimensions from existing and proposed lot lines and from Crescent Lake. Furthermore, the principal lot would need to be divided in such a way that both the existing and proposed structures would be located on separate lots that would be conforming to the requirements of Raymond's Land Use Ordinance and Shoreland Zoning Regulations.

LSI performed a survey of the property to determine the location of the existing boundary lines and site improvements. A survey plan (dated 10/01/1996) was drawn showing the existing lot, shoreline, existing residence and site improvements, and the division of the principal lot into two lots. Lot 1 consisting of 2.10 acres with various easements for the proposed residence, and Lot 2 consisting of the remaining 7.3 acres with the existing residence as well as all of the lake frontage. Lot 1 was established as a non waterfront lot since there was not enough lake frontage in the principal lot to meet the minimum shore frontage requirements for two lots. Once this plan was prepared, Mr. Cooper was consulted a second time regarding the proposed division to be sure that it met with his approval and was in his opinion conforming in every way to the ordinance requirements so that a building permit could be issued. To the best of my recollection, Mr. Cooper indicated that the plan of the proposed lot division met all necessary requirements and subsequently issued a building permit on 12/14/1996. In December of 1996, LSI performed construction layout services for the foundation to insure that it was constructed within the allowable building window as depicted on the survey plan.

I hope that this information proves to be helpful to you. Don't hesitate to contact me if I can be of any further assistance to you in this matter.

Sincerely,  
LAND SERVICES INC.

Patrick R. Cayer, PLS



EXHIBIT



## Zoning Board of Appeals

### Notice of Action – Denial of Variance

I, Danielle Loring, being the duly appointed, qualified and acting Secretary of the Zoning Board of Appeals for the Town of Raymond, Cumberland County and State of Maine, hereby certify that on the 14<sup>th</sup> of March, 2011, the request for a VARIANCE for water-frontage reduction to eighty-nine feet (89') from two-hundred-twenty-five feet (225') required by the ordinances of the Town of Raymond was denied pursuant to the Town of Raymond Land Use Standards for:

Property: Map 033, Lot 002, Sublot B in the LRR1 Zone  
158 Dryad Woods Road

Property Owner: Leo & Elizabeth Belill

#### FINDINGS OF FACT AND CONCLUSIONS

*In accordance with the Town of Raymond's Shoreland Zoning Ordinance §16(G)(2)(c)*

MOTION: Moved by Matt Schaefer and seconded by Peter Leavitt that the Board find that the criteria of subsection c(i) of section 16(G)(2) is satisfied.  
Vote: 5/0; motion carried.

*In response to §16(G)(2)(c)(i)-Reasonable return*

MOTION: Moved by Matt Schaefer and seconded by Peter Leavitt that the Board find that the property, according to the applicant's own submission, has a value, absent granting the variance, of an order of \$325,000.  
Vote: 5/0; motion carried.

MOTION: Moved by Matt Schaefer and seconded by Peter Leavitt that the Board finds that the first criteria under section §16(G)(2)(c) has not been satisfied by the applicant.  
Vote: 5/0; motion carried.

*In response to §16(G)(2)(c)(ii)-Unique Circumstances*

MOTION: Moved by Matt Schaefer and seconded by Peter Leavitt that the Board finds that the need for a variance is due to unique circumstances of the property, not the conditions of the neighborhood. Therefore the second criteria is satisfied.  
Vote: 4/1; motion carried.

*In response to §16(G)(2)(c)(iii)-altering character of locality*

MOTION:

Moved by Peter Leavitt and seconded by Matt Schaefer that the Board finds that the criteria for number three (iii), under "hardship," in granting the variance, will not alter the essential character of the locality; that it is the standard.

Vote: 4/1; motion carried.

*In response to §16(G)(2)(c)(iv)*

MOTION:

Moved by Peter Leavitt and seconded by Elden Lingwood that the Board finds that under number four (iv) of the elements of hardship the standard is not met due to the lack of due diligence on the part of the buyer in researching, fully, the Shoreland Zoning Ordinance.

Vote: 5/0; motion carries.

*CONCLUSION*

MOTION:

Moved by Matt Schaefer and seconded by Peter Leavitt that, based on the findings of fact and conclusions of the law reached by the Board, the request for a variance be denied.

Vote: 5/0; motion carried.

Town of Raymond, Maine

  
Danielle E. Loring, Executive Assistant  
Raymond Town Office

## **Consent Agreement**

This consent agreement (the "Agreement") is made of this \_\_\_ day of April 2011 by and between the Town of Raymond (the "Town") and Leo T. Belill and Elizabeth J. Belill (the "Belills").

WHEREAS, the Belills own property known on Town tax maps as Map 33, Lot 2, Sublot B, with an address of 158 Dryad Woods Road, and described in a deed to the Belills recorded in the Cumberland County Registry of Deeds in Book 12863, Page 16 (the "Property"); and

WHEREAS, in 1996, the Belills obtained a building permit from the Town and built a single family residence on the Property; and

WHEREAS, in connection with an ongoing proposed sale of the Property, a shoreland zoning problem was brought to the Belills' attention; and

WHEREAS, the Property appears to be in violation of Section 15(A)(4) of the Town of Raymond Shoreland Zoning Provisions which requires: "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 within the proposed use"; and

WHEREAS, the Belills applied to the Board of Appeals to request a variance from this requirement in Section 15(A) of the Shoreland Zoning Provisions on March 14, 2011, and the Board of Appeals denied the variance request; and

WHEREAS, the Belills have requested that the Board of Selectmen consider entering into this Agreement in which the Town will agree not to enforce this particular provision of the Shoreland Zoning Provisions against the owners of the Property; and

WHEREAS, the Belills have indicated that this Agreement will facilitate the proposed sale of the Property.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and without either admitting or denying any of the contentions of either the Town or the Belills, the Town and the Belills agree as follows:

- Simultaneously with the execution of this Agreement, the Belills will pay the Town any reasonable legal fees and expenses incurred in connection with this Agreement.
- In exchange for said payment, and provided the Belills comply in all respects with the payment obligations imposed by this Agreement, the Town will not take any enforcement action on the Property with respect to the Town of Raymond Shoreland Zoning Provisions Section 15(A)(4) which requires: “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 within the proposed use.”
- Nothing in this Agreement relieves the Belills of any present or future non-compliance with any of the other requirements of the Town’s Shoreland Zoning Provisions or the rest of the Town’s Land Use Ordinance.
- This Agreement creates conditions running with the land which shall be binding on, and inure to the benefit of, the Belills, the Belills’ heirs, successors and assigns. The Town will record this Agreement in the Cumberland County Registry of Deeds.
- This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

IN WITNESS WHEREOF, the Belills and the Town have executed this Agreement as of the date first written above.

*(Signatures appear on the following separate pages.)*

THE BELILLS

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

Leo T. Belill

\_\_\_\_\_

\_\_\_\_\_

Elizabeth J. Belill

**STATE OF FLORIDA**

**COUNTY OF** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by **Leo T. Belill and Elizabeth J. Belill.**

(NOTARY SEAL) \_\_\_\_\_  
(Name of Notary Typed, Printed, or Stamped)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

THE TOWN OF RAYMOND

WITNESS:

\_\_\_\_\_

\_\_\_\_\_

Don Willard, Town Manager, duly authorized  
and directed by the Board of  
Selectmen by vote on April 5, 2011



**CENTRAL MAINE  
POWER**

March 24, 2011

Don Willard  
Town of Raymond  
401 Webbs Mills Road  
Raymond, ME 4071

Dear Don Willard:

Central Maine Power Company will begin the process of installing new meters for all of our customers. We have contracted with VSI Meter Services to complete the installations for us. Work will begin in your area shortly.

As the process begins, you will see VSI vehicles in various locations during the day. While these vehicles may not be as recognizable as the CMP orange trucks, all VSI vehicles will be marked for easy identification. VSI employees will carry picture identification and wear work uniforms displaying a CMP/VSI logo.

I am working with Bernstein Shur Government Solutions to contact all the communities we serve, prior to installing smart meters in your community. We know you may have questions and we will be contacting you to arrange a briefing. We would be happy to meet with members of your administrative, fire, code enforcement and/or planning staff to review the details of the installation process, but would also be happy to be placed on a public meeting agenda before the elected officials to discuss our Smart Meter project.

In the meantime, if you have any questions or concerns about this project, please contact me at 453-3365 or via e-mail at [stephen.daniels@cmpco.com](mailto:stephen.daniels@cmpco.com).

Thank you.

Sincerely,

Stephen Daniels  
Manager, Marketing & Sales



Town of Raymond  
401 Webbs Mills Road  
Raymond, Maine 04071  
207-655-4742

Date of Application: 2/15, 2011

Applicant Name: Jeff Bmeroy

Address: 64 Egypt Rd Raymond, ME  
05071

Email Address: floatingcamp@maine.rr.com

Phone Number: 207-239-1658

Description: weight 250 eye color Blue hair Blonde

Address where business is to be located: Raymond Beach  
Map 49 Lot 23

Owner of Property: Town of Raymond

Nature of business and goods to be sold: Hamburgers, Hot dogs,  
Lobsters (cooked) soda, Chrup, ice cream, ect.

Name of Address of Employer: Black Ghost Cafe

(Please include proof of employment.)

Length of time license is desired: may 1 2011 to Dec 31 2016

Description of vehicle or stand: 10'x20' Floating Cafe w/ drive up  
window for Boats & a walk up window for foot traffic

Names of at least 2 reliable property owners who will certify as to the applicant's good character and business responsibility.

Name: Drew Taylor Address/Phone: Ball Drive 207-749-2580

Name: Val Downs Address/Phone: Egypt Rd 207-239-1659

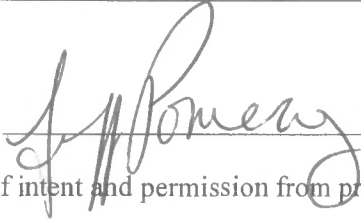


I have/have not been convicted of any crime, misdemeanor, or violation of any municipal ordinance. If you, the nature of the offense and the punishment or penalty thereof:

Not

FEE: \$500.00

Signature of applicant:



Date: 2/15/2011, 20\_\_

NOTE: Signed letter of intent and permission from property owner must be attached.

NOTE: Proof of insurance must be attached.

NOTE: Photo ID of applicant must be attached.

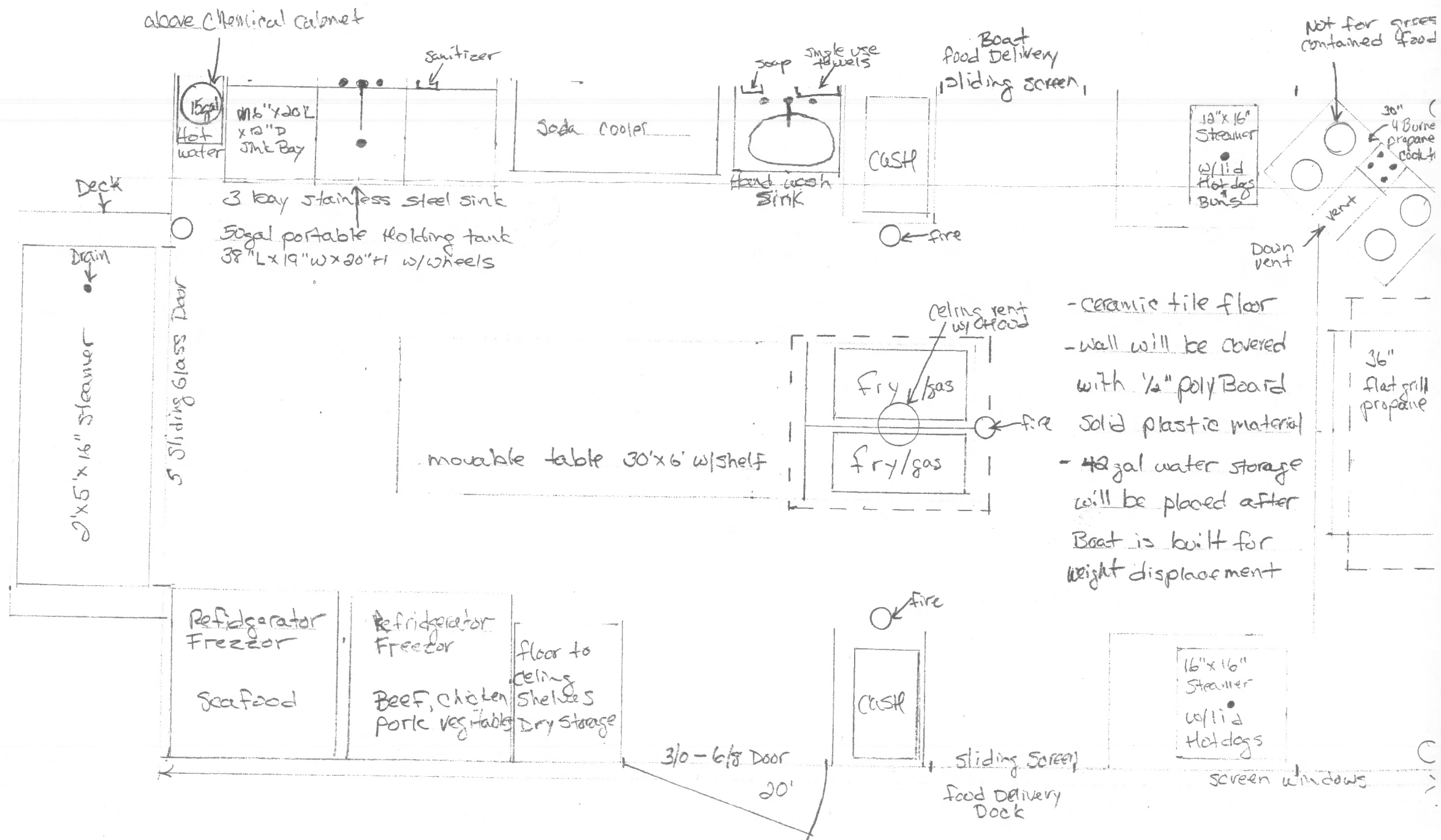
Limiting conditions: \_\_\_\_\_

Issued by the Town of Raymond on: \_\_\_\_\_

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Town Manager





above chemical cabinet

50gal Hot water

16"x20" L x 12" D Sink Bay

Sanitizer

Soda cooler

soap single use towels

Hand wash Sink

CASH

Boat food delivery sliding screen

13"x16" Steamer w/ lid Hot dogs Buns

Not for gross contained food

30" 4 Burner propane cooktop

Deck

3 bay stainless steel sink

50gal portable holding tank 38" L x 19" W x 20" H w/wheels

← fire

Drain

2'x5'x16" Steamer

5 Sliding Glass Door

movable table 30'x6' w/shelf

ceiling vent w/hood

Fry/gas

Fry/gas

← fire

- ceramic tile floor
- wall will be covered with 1/2" poly Board solid plastic material
- 40 gal water storage will be placed after Boat is built for weight displacement

36" flat grill propane

Refrigerator Freezer

Seafood

Refrigerator Freezer

Beef, chicken Pork veg. table

floor to ceiling shelves Dry storage

3/0-6/8 Door

20'

← fire

CASH

Sliding Screen

Food Delivery Dock

16"x16" Steamer w/ lid Hot dogs

screen windows

5'8" x 20' 40 1/2 ft

Round roof

Cedar shakes

Sliding Screen

Screen window

Height adjustable

Rubber handle

Rubber walls

poly bumpers

Rubber handle

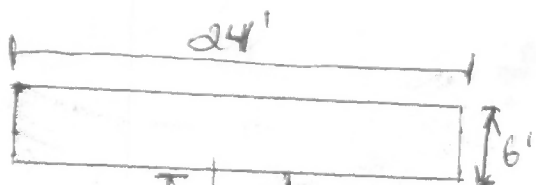
Cedar Shakes

Boat side

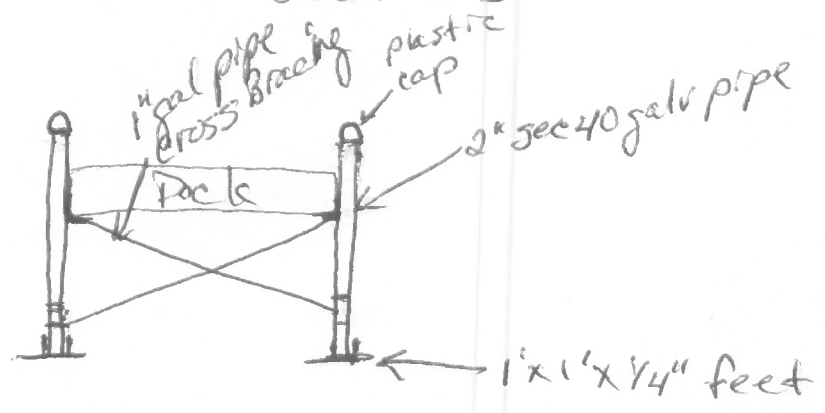
216"

X

X



2-6'x12' Dock sections



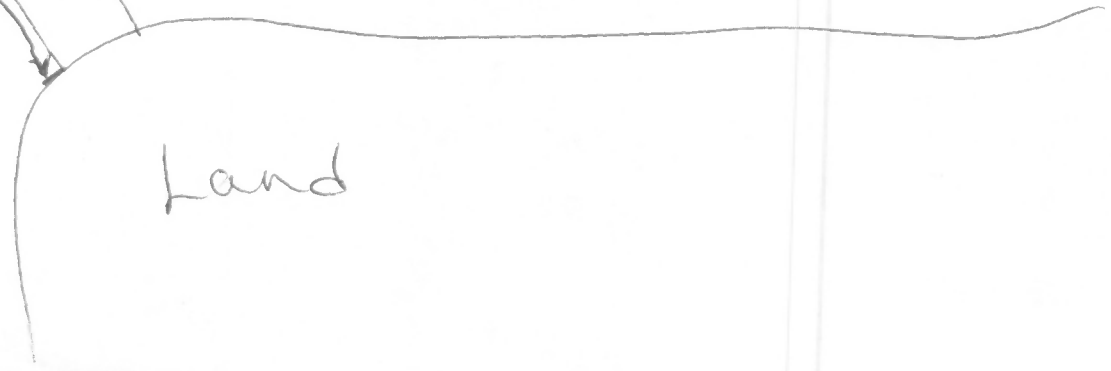
100'

← 10-6'x10' Dock section

const of each section  
 2x8 pt 16" oc  
 4x6 composite Decking  
 2" sec 40 pipe supports

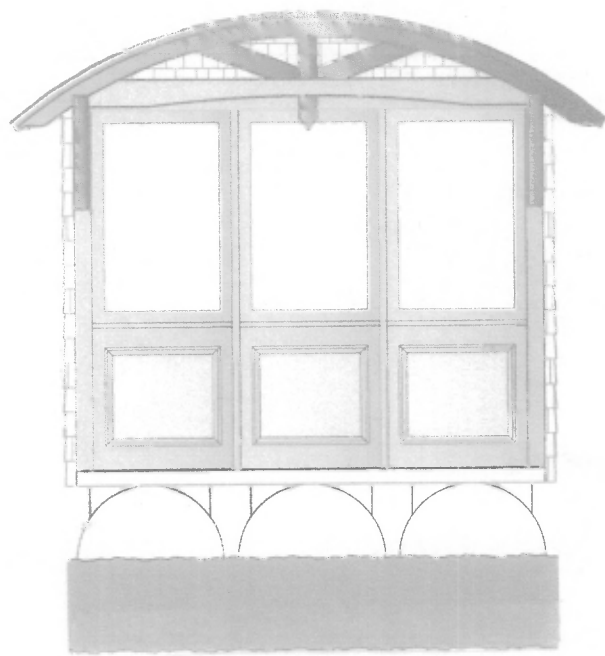


← 6'x16' Ramp



## MENU

Hot dog  
Hamburger  
Cheeseburger  
French fries  
Fried shrimp  
Lobster spring roll  
Shrimp spring roll  
Chicken spring roll  
Pork spring roll  
Lobster roll  
Lobster stew  
Fried shrimp roll  
Crabmeat roll  
Steamed lobster  
Fish taco  
Chicken fingers  
Cole slaw  
Potato salad  
Corn on the cobb  
Buttermilk biscuits



## GRAY WATER DISPOSAL

There will be a trailer in the parking lot that will hold 2-275 gallon plastic holding tanks with bottom drains. One holding tank will be for the removal of gray water to my office. At my office I have just installed a new leach field in the spring of 2010 that can handle more than enough gray water from the mobile food stand. Under the 3 bay sink I will have a 50gal movable holding tank with wheels and an internal pump. When 50 gal tank is full it will be removed to the parking lot and pumped to the larger 275gal tank. I have estimated the gray water to be 50gal for hand washing and 50gal for equipment cleaning.

## CLEAN WATER SUPPLY

The other 275gal holding tank in the trailer will hold fresh drinking water that will be used for washing hands, equipment washing, water for steamers. There will be a food grade plastic hose that will supply a 100gal water tank on board the mobile food stand. There will be an external water pump that will pressure rise the on board water system. The 275gal tank will be supplied by the office water system. There will also be a water cooler on board that will be used for drinking water only. This cooler will be supplied by Poland spring water company.



## Memo

To: Don Willard  
From: Hugh Coxe, Planner  
Date: March 22, 2011  
Re: Raymond Planning Board Action on Ordinance Amendments

The Raymond Planning Board held a public hearing, as required by 30-A MRSA §4352 and Article 7 of the Raymond Land Use Ordinance, on March 16, 2011 for the purpose of receiving public input on five warrant articles proposed for the June 2011 Town Meeting which would amend certain ordinance provisions as described below:

1. Sections 2 and 3 of the Raymond Fire Protection Ordinance
2. Raymond Shoreland Zoning Ordinance
3. Article 4, Section 3.A, and Article 9, Section 3.F of the Raymond Subdivision Ordinance, and Article 13, Sections A.3.a, B.1, C.2.b, C.2.c, C.3, C.4.c, C.5.b, D.1.b, and D.6 of the Raymond Land Use Ordinance (Open Space Provisions)
4. Sections 4.2, 4.8, 5.5, 5.10 and 8 of the Raymond Street Ordinance
5. Sections 1, 3, 4.8, 5.5, and 14 of the Raymond Street Ordinance, and Article 9, Section T and Article 12 of the Raymond Land Use Ordinance (Back Lot Provisions)

Following the public hearing the Planning Board voted to **recommend that each of the proposed warrant articles be placed on the 2011 Town Meeting warrant<sup>1</sup>**.

The Planning Board also voted to make **no recommendation for approval** of the amendments to the Fire Protection Ordinance<sup>2</sup> and voted to **recommend approval** of the other four warrant articles (amendments to the Shoreland Zoning Ordinance, amendments to the Open Space Provisions, amendments to the Street Ordinance, and amendments to the Back Lot Provisions)<sup>3</sup>.

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<sup>1</sup> The Board voted 3-1 to recommend the Fire Protection Ordinance amendments be placed on the Town Meeting warrant and 4-0 to recommend the other four ordinance amendments be placed on the Town Meeting warrant.

<sup>2</sup> The vote was 3-1 to make no recommendation.

<sup>3</sup> The vote was 4-0 to recommend approval.

**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, and Article 6, Section B of the Town of Raymond Land Use Ordinance, 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?

Town of Raymond Shoreland Zoning provisions

**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 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**

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

**A. Effective Date**

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-B(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.”

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**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**

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

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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.

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

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- b. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure. 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-~~

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~~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 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



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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 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 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 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**

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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 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

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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 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 December 31, 2008 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).**

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

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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. Clearing <u>or removal</u> of vegetation for <u>activities other than timber harvesting approved construction and other allowed uses</u>	CEO <sup>1</sup>	CEO	<u>yes</u> <u>CEO</u>
6. Fire prevention activities	yes	yes	yes
7. Wildlife management practices	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes

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<b>LAND USES contd.</b>	<b>RP</b>	<b>SP</b>	<b>LRR1 LRR2</b>
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
12. Emergency operations	yes	yes	yes
13. Agriculture*	PB	yes	yes
14. Aquaculture	PB	PB	PB
15. Principal structures and uses	.	.	.
15. A. Single family residential	no	no	CEO
15. B. Two family residential	no	no	CEO
15. C. Multi-family residential	no	no	no
15. D. Small non-residential facilities for education, scientific, or nature interpretation purposes	PB	PB	CEO
15. E. Municipal [Adopted 3/18/00]	no	no	PB
15 F. Elderly Housing [Added 5/21/05]	no	no	yes
16. Structure accessory to allowed uses	PB	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	.	.	.
17. A. Temporary	<u>CEO<sup>7</sup></u>	CEO	<u>CEO<sup>7</sup></u>
17. B. Permanent	PB	PB	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	no	CEO
21. Essential services	PB <sup>4</sup>	PB <sup>4</sup>	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB
24. Personal campsites	CEO	CEO	CEO
25. Campgrounds	no <sup>5</sup>	no	PB
26. Road and driveway construction*	no <sup>6</sup>	PB	CEO
27. Land management roads	PB	yes	yes
28. Parking facilities	no <sup>5</sup>	no	PB
29. Marinas	no	PB	PB
30. Filling and earthmoving of less than 10 cubic yards	CEO	CEO	yes
31. Filling and earthmoving of more than 10 cubic yards	PB	PB	CEO
32. Signs*	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	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.

3. 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]*
4. 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.
  5. 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.
  6. 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.
  7. 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**

1. 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.

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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.
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.
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.
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.
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;

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- 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;
    - 5) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.
- 1) 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

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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 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**

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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.
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.

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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;
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\***



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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 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.

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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 ~~or as~~ 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 R 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, 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:

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- 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\***

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 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.

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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 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]*

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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, and the following:
  - a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
  - b. a holding tank is not allowed for a first-time residential use in the shoreland zone.

Note: The State's Rules, ~~among other standards,~~ require that: ~~T~~ 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.

- ~~a. 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.
5. Privies shall not be permitted in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts.

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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 shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines, 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.
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.

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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.
  - 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

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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 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,



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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.
    - 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,

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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.
- 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

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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
  
    - 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:

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- 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 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

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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 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

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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 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.

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- 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 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,

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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 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:



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- 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:
- 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;

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- 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 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.

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- 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.
  - 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

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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.

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)~~ six (6) 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.

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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>\leftarrow</math> 1/2 feet Above Ground Level (diameter in inches)</b>	<b>Points</b>
2 - <4 inches	1
4 - <8 <del>12</del> inches	2
<u>8 - &lt;12 inches and over</u>	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 $\leftarrow$  1/2 feet above ground level may be removed in any ten (10) year period.

The following shall govern in applying this point system:

- 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

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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.

- 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 ½ ~~feet~~ 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 cCleared openings legally in existence on the effective date of these ordinance provisions may be maintained, but shall not be

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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~~ Section 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 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.

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- 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 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



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(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. Ssection 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 or use 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**

Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

1. Powers and Duties of the Board of Appeals - The Board of Appeals shall have the following powers:

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- 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 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~~

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~~application of the Zoning Ordinance to the petitioner and the petitioner's 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 the Board, upon a showing of good cause, may waive the thirty- (30) day requirement.

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- 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.
  - 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.



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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 and Water Quality Control within the Department of Environmental Protection.
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

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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 these Shoreland Zoning provisions or 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 these Shoreland Zoning provisions ~~the "State of Maine Guidelines for Municipal Shoreland Zoning Ordinances,"~~ the ~~stricter~~ definition in these Shoreland Zoning provisions shall be used when defining terms in the Shoreland Zoning provisions. The definitions in these Shoreland Zoning provisions shall not apply to the Land Use Ordinance.

**Accessory structure or use** - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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**Basement** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**Boat Launching Facility** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Bureau** – State of Maine Department of Conservation’s Bureau of Forestry

**Campground** - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Canopy** – the more or less continuous cover formed by tree crowns in a wooded area.

**Commercial use** - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Cross-sectional area** – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

**DBH** – the diameter of a standing tree measured 4.5 feet from ground level.

**Development** – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by

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a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Disruption of shoreline integrity** - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**Family** - one or more persons occupying a premises and living as a single housekeeping unit.

**Floodway** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities** - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Forest Stand** - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls.

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industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

**Great pond** - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Great pond classified GPA** - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Ground cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Harvest Area** - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**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. The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear

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extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Industrial** - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional** – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Land Management Road** - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester** - a forester licensed under 32 M.R.S.A. Chapter 76.

**Lot area** - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Marina** - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

**Market value** - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mineral exploration** - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.



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**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**Minimum lot width** - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** – indigenous to the local forests.

**Non-conforming condition** – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming use** - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Normal high-water line** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

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**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.

**Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.**

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**Principal structure** - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same premises.

**Public facility** - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**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

**Recreational facility** - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**Recreational vehicle** - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

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**Replacement system** - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Residual basal area** - the average of the basal area of trees remaining on a harvested site.

**Riprap** - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**Residual Stand** - a stand of trees remaining in the forest following timber harvesting and related activities

**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.

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**Service drop** - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. \_\_\_\_\_ in the case of electric service
  - a. \_\_\_\_\_ the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. \_\_\_\_\_ the total length of the extension is less than one thousand (1,000) feet.
2. \_\_\_\_\_ in the case of telephone service

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a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**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; 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.

**Shoreline** – the normal high-water line, or upland edge of a wetland.

**Skid Road or Skid Trail** - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**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]*

**Structure** - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

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**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface sewage disposal system** – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Timber harvesting** - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Timber harvesting and related activities** - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tributary stream** – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: \_\_\_\_\_ Water setback requirements apply to tributary streams within the shoreland zone.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is

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dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation** - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Volume of a structure** - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body** - any great pond, river or stream.

**Water crossing** - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

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

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.

Town of Raymond Land Use Ordinance

**ARTICLE 6 - BOARD OF APPEALS**

**B. Powers and Duties**

3. Appeals from decisions under the Shoreland Zoning provisions and variances from the Shoreland Zoning provisions are governed by the appeals and variance procedures contained in the Shoreland Zoning provisions and are not governed by Article 6 of the Land Use Ordinance.

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ARTICLE \_\_: Shall Article 4, Section 3.A, and Article 9, Section 3.F of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through June 1, 2010, and Article 13, Sections A.3.a, B.1, C.2.b, C.2.c, C.3, C.4.c, C.5.b, D.1.b, and D.6 of the Town of Raymond Land Use Ordinance, 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?

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

Town of Raymond Subdivision Ordinance

**ARTICLE 4 - PREAPPLICATION**

**3. Open Space Subdivisions**

- A. The subdivider may apply for either a conventional subdivision or an open space subdivision in accordance with the provisions of Article 13 of the Land Use Ordinance, except that if the subdivision contains fewer than five (5) lots, the subdivider may not apply for an open space subdivision except as a conservation density subdivision<sup>1</sup>. If the subdivider applies for a conventional subdivision, the Sketch Plan shall show a proposed subdivision designed to meet the minimum requirements of the Land Use Ordinance and Subdivision Regulations.

**ARTICLE 9 - GENERAL REQUIREMENTS**

**3. Retention of Proposed Public Sites and Open Spaces**

- F. Where the proposed subdivision is located on a lake, pond, river, or stream, a portion of the waterfront area shall be included in reserved land. The reserved land shall comply with the following requirements:
- 1.) The reserved land shall be a minimum of fifty (50) feet, linear distance as measured along a straight line (the "waterfront measurement line") connecting the two (2) end points of the reserved land along the waterfront.
  - 2.) The depth of the reserved land shall be a minimum of fifty (50) feet from a particular waterfront point running perpendicular to the waterfront measurement line. Such particular waterfront point shall be on the waterfront where a line

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<sup>1</sup> There are two types of open space subdivisions as set out in Article 13, section A.3 of the Land Use Ordinance, "cluster subdivision" and "conservation density subdivision."

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drawn perpendicular from the midpoint of the waterfront measurement line intersects the waterfront.

- 3.) The total area of the reserved land shall, at a minimum, equal the length of the required minimum waterfront measurement line multiplied by fifty (50) feet.
- 4.) Side lot lines of the reserved area shall run approximately perpendicular to the waterfront measurement line.

which shall be a minimum of 200 feet plus ten (10) additional feet for each unit/lot. All lots within the subdivision shall have a right to access the reserved land along the waterfront and the subdivision plan shall include a statement of and references to the legal mechanism to ensure such access in perpetuity. Where practicable, any other reserved open space contained in the subdivision should be connected to the waterfront reserved land. [Adopted 5/16/87; Revised 6/2/11]

Town of Raymond Land Use Ordinance

**ARTICLE 13 – OPEN SPACE SUBDIVISIONS**

**A. Introduction**

3. Types of Open Space Subdivisions

There are two types of open space subdivisions, which may be used separately or in combination:

a. Cluster Subdivisions.

A cluster subdivision achieves the purposes of this performance standard by reducing the lot size and frontage and setback requirements in the Land Use Ordinance, modifying the road design standards contained in the Subdivision Regulations, and clustering housing or business structures and uses in those areas where they will have the least impact on identified environmental and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions and/or conservation easements that run with the land. The cluster principle can be applied to subdivisions of five or more lots. Subdivisions of fewer than five (5) lots shall not be developed as cluster subdivisions any size.



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**B. Planning Board Review**

1. Preapplication

An individual may apply for approval of an open-space subdivision as part of the pre-application review described in Article 9 of the Subdivision Regulations. If the subdivider applies for an open space subdivision, the subdivider shall submit a Sketch Plan for a conventional subdivision and a sketch plan of an open space subdivision designed to meet the requirements of Article 13 of the Land Use Ordinance. The submission shall include a narrative that addresses the applicability of each of the purposes in Section 13.A.2 of the Land Use Ordinance to the proposed subdivision.

After review of the pre-application, if the Planning Board determines that an open space subdivision will achieve the purposes set forth in Section A.2. that are applicable to the proposed subdivision, the Board may advise the applicant to proceed with an application for an open space subdivision.

**C. General Requirements**

2. Allowable Density

b. ~~Reserved. [Repealed 6/2/11]. The provisions for open space subdivisions may be applied to a development consisting of a single lot where the purposes set forth in Article 13, Section A.2 will be served and which may provide effective long range planning for a larger parcel of land than sought to be developed, when used in conjunction with the flexible open space and substitution, timing, or phasing provisions of this performance standard. In such cases, sufficient open space to accommodate the single lot shall be permanently preserved as set forth in subparagraph Article 13, Section D.~~

c. The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:

- 1) Determine the developable area of the parcel according to the ~~definition of "net residential area"~~ Net Residential Area Calculation contained in Article ~~12~~ 8, section A and increase it by 20%; then *[Amended 5/21/05]*
- 2) ~~For single family and multi family open space subdivisions, d~~Divide the increased net residential area by the minimum lot size required in the District to obtain the net residential density allowable. *[Amended 5/21/05]*

3. Layout and Siting Standards

*March 23, 2011 version of Article(Open Space) \_\_ for June \_\_, 2011 Raymond Town Meeting Warrant*

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In planning the location and siting of residential or business structures in an open space subdivision, lot dimension and frontage should not be the primary considerations. Priority should be given to the preservation of the open space for its natural resource value, with human habitation and business activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residences and business structures shall be sited so as to maximize the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site. In order to maximize the following principles the Board may request additional information from applicants as it deems relevant and may require a third party review of the proposed layout, siting and design of the subdivision, by a professional qualified in landscape design, landscape architecture or other relevant disciplines.

- a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved.
- b. In locations least likely to block or interrupt scenic, historic, and traditional land use views, as seen from public roadways and great ponds.
- c. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;
- d. In such manner that the boundaries between residential or business lots and active agricultural or forestry land are well buffered by vegetation, topography, roads, or other barriers to minimize potential conflict between residential or business and agricultural or forestry uses;
- e. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development;
- f. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the zoning district;
- g. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged.

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- h. In locations least likely to block or interrupt existing trails, trail systems or other traditional recreational travel corridors such as snowmobile routes.

4. Space Standards

- c. In areas outside of the LRR1 and LRR2 Districts, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than one-half acre. The required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions within the LRR1 and LRR2 Districts to one acre and one and one-half acres, respectively. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the zoning district notwithstanding the net residential density allowed as modified, if any, by subparagraph C.2, above, of this performance standard.

5. Utilities

- b. If a private collection septic system is proposed for a single family clustered development or a multiplex cluster development, the applicant must show either that at least one (1) designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the ~~Main State Plumbing Code~~, and that a second designated site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one ~~originally proposed.~~ Maine Subsurface Waste Water Disposal Rules. The septic system shall meet the provisions of Article 10, section 7 of the Raymond Subdivision Ordinance.

**D. Open Space Requirements**

1. Open Space Uses

On all parcels, open space uses shall be appropriate to the site. Open space shall include natural features located on the parcel(s) such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

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- b. When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions ~~may~~ shall be limited to those which are no more intensive than passive uses recreation. For purposes of this section, passive uses shall be those uses that require little or no physical modification to the land, that do not include development of structures, that result in minimal or no soil and vegetative disturbance, and that are non-motorized recreational activities including but not limited to hunting, fishing, hiking, biking, skiing and birding, except that snowmobiling shall be allowed where an existing snowmobile route or trail exists.

6. Maintenance Standards

~~Maintenance standards for open space land, where appropriate, shall be in accordance with other requirements of this Land Use Ordinance and Subdivision Regulations.~~

- a. The common open space shall be protected from non-conforming or incompatible use in accordance with section D.1 and shall be maintained as undeveloped open land, productive open land, and/or active or passive recreation land in accordance with an established maintenance plan. The common open space may include other ancillary structures or support uses in accordance with section D.1 and as approved by the Planning Board as part of the approval of the subdivision. Permanent conservation restrictions shall be established, subject to approval by the Planning Board, to assure that the future use and maintenance of the common open space is consistent with the subdivision approval. These provisions may include deed restrictions or covenants, conservation easements, the sale or transfer of development rights, or other legal mechanisms approved by the Planning Board. These provisions shall be reviewed by the Planning Board and the Town's attorney and approved by the Planning Board. Allowance for modification of the conservation restrictions shall require a subdivision amendment and Planning Board approval. These conservation restrictions shall become conditions of approval.
- b. A legally binding maintenance agreement shall be established in the conservation restriction tool (e.g., deed, easement) for the periodic maintenance of the common open space to ensure that the terms of the restrictions are being met.

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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 of existing streets within 300 feet of any proposed intersection and, profiles and typical cross-sections 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 pipes, culverts, 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.

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K. For streets to be located within the watershed of a great pond, a phosphorous impact plan as further described in Article 9, sSection ~~VII-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 and required buffers and stormwater management facilities 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 ~~14V-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

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cable television.

- iv. A soil erosion and sedimentation control plan in conformance with the requirements of Article 5, 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 9, 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 and required buffers and stormwater management facilities 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

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property owners abutting the proposed street and lots that are to be accessed by the backlot driveway, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.

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 2)</sup>
Minimum Travel Way Width	44'	22'	20'	18'	12'
Sidewalk Width	N/A	N/A	N/A	N/A	N/A
Minimum Grade	0.5%	0.5%	0.5%	0.5%	<del>N/A</del> 0.5%
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 (3)	¼"/ft	¼"/ft	¼"/ft	¼"/ft	<del>N/A</del> ¼"/ft
Minimum Angle of Street Intersections <sup>(2 4)</sup>	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. 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

3. Roadway crown shall be increased to ½"/ft. for unpaved or gravel road surfaces.

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

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).

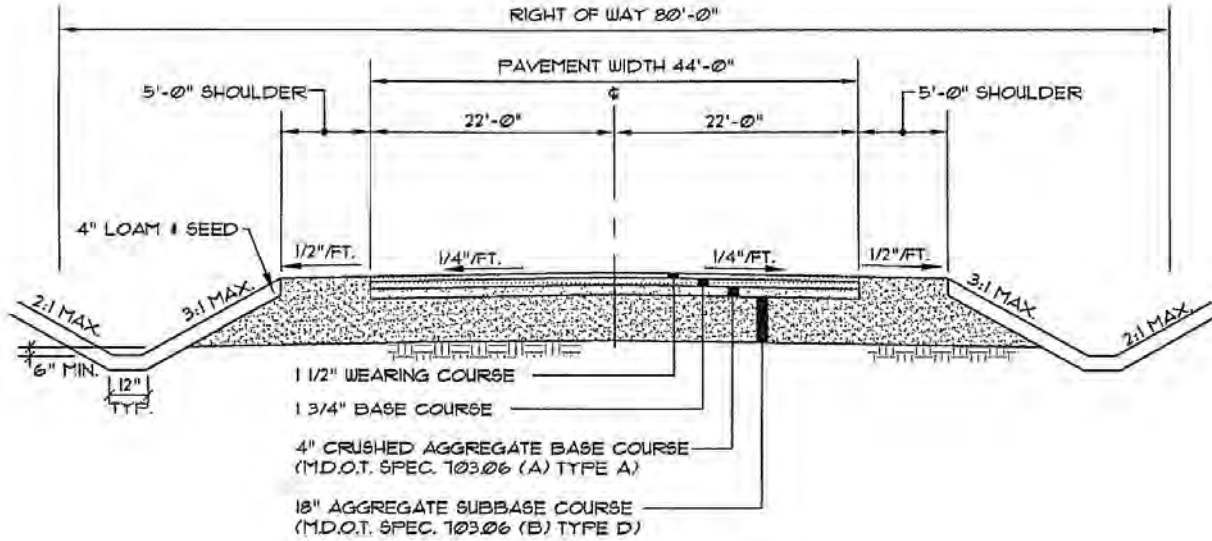
**8. Performance Guarantees**

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

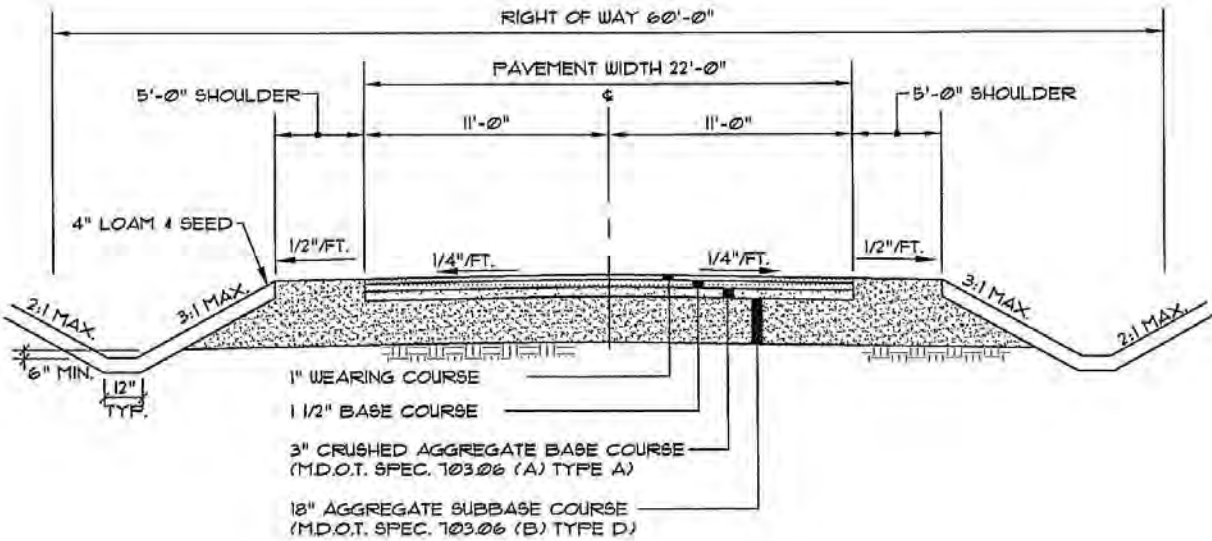


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**Appendix A**

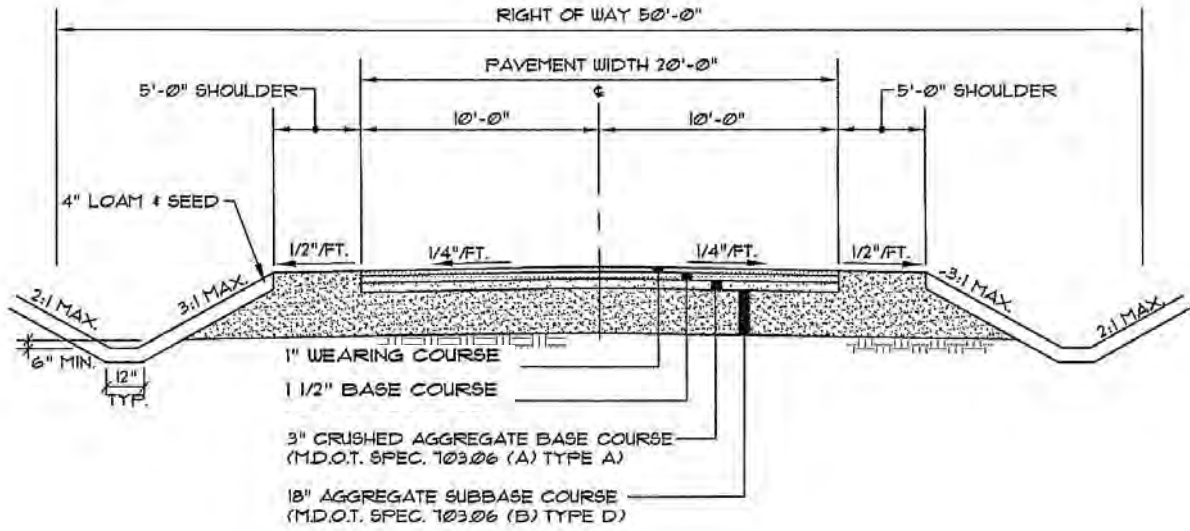


**ARTERIAL STREET SECTION**  
NOT TO SCALE

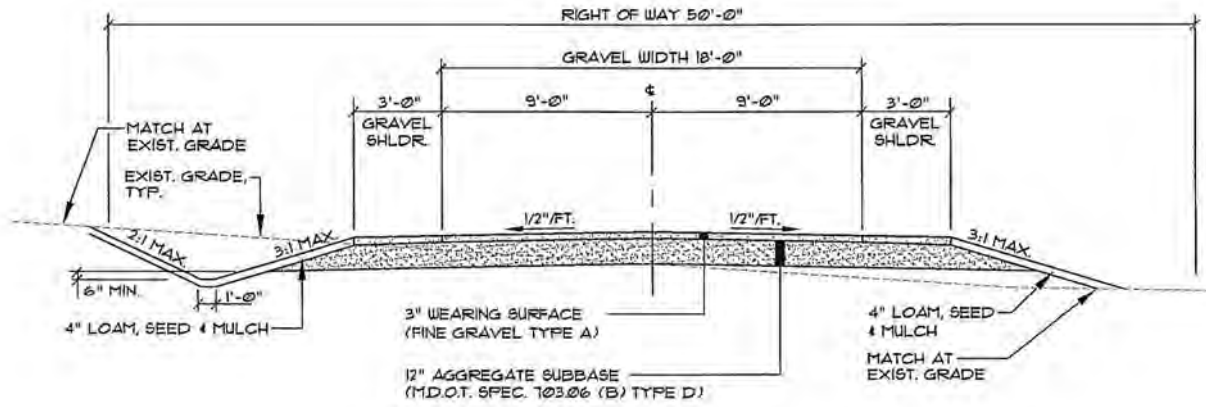


**COLLECTOR STREET SECTION**  
NOT TO SCALE

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**MINOR STREET SECTION**  
NOT TO SCALE



**PRIVATE STREET SECTION**  
NOT TO SCALE

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ARTICLE \_\_: Shall Sections 1, 3, 4.8, 5.5, and 14 of the Town of Raymond Street Ordinance, as adopted May 18, 2002 and amended through May 17, 2003, and Article 9, Section T and Article 12 of the Town of Raymond Land Use Ordinance, 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?

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

**Town of Raymond Street Ordinance**

**1. Purpose**

The purpose of this ordinance is to promote public health, safety and welfare for the residents of the Town of Raymond by establishing construction standards for public ways, public easements (formerly private ways) and private roads including but not limited to streets, roads, lanes, alleys, et al, hereinafter called "street", ~~and back lot driveways.~~

**3. Applicability**

3.1 New Construction: This ordinance shall apply to the construction and lengthening of all streets within the Town. A street may be accepted by the Town of Raymond only if it fully meets the design standards for public streets in Section 5 of this Ordinance. ~~A back lot driveway need only meet the requirements of Sections 4.8 and 5.5.~~

3.2 Alterations: Alterations, widening and improvements shall be consistent with Section 5 of this Ordinance.

3.3 Back Lot Driveway: Back lot driveway application and review procedures and standards are contained in Article 9, Section T of the Land Use Ordinance.

**4. Application Procedures**

~~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~~

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

~~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 Section 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.~~

~~iv. A soil erosion and sedimentation control plan in conformance with the requirements of Section V.2.17 of the Subdivision Regulations.~~

~~For a back lot driveway to be located within the watershed of a great pond, a phosphorous impact plan as further described in Section VII 15 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 Sections IX.T and IX.U of the Land Use Ordinance and include lot bearings, distances and proposed monumentation.~~

~~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.~~

~~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~~

# Town of Raymond

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

determine to be complete, the Code Enforcement Officer shall schedule it for review by the Board at the next regularly scheduled meeting.

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.

**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:

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

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 Section IX.T.1 of the Land Use Ordinance~~

**Town of Raymond  
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**14. Definitions**

~~Back Lot Driveway. A driveway that provides access to a back lot created on or after May 18, 2002 and that:~~

-

- ~~1. Originates at a public road.~~
- ~~2. Is developed within a 50 foot right of way.~~
- ~~3. Serves no more than two back lots.~~
- ~~4. Conforms to requirements of Section 4.8 and 5.5 of the Raymond Street Ordinance~~

**Town of Raymond Land Use Ordinance**

**ARTICLE 9 - MINIMUM STANDARDS**

**T. Back Lots and Back Lot Driveways [Adopted 5/18/02]**

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Planning Board (hereinafter the "Board") pursuant to ~~Section 5.8 of the Raymond Street Ordinance and comply with~~ the following provisions:

1. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. ~~The Code Enforcement Officer~~ Planning Board may approve a back lot driveway right-of-way with a minimum width of 40 feet if ~~he/she~~ it determines that no alternative exists. The right of way must be conveyed by deed recorded in the Cumberland County Registry of Deeds to the owner of the back lot.
2. A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
3. A back lot right-of-way shall be created only over a front lot that is conforming to public road frontage and lot size at the time of creation of the right of way. That portion of the front lot within the right of way shall be considered part of the front lot for purposes of space and bulk regulations. Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the right of way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.
4. A back lot driveway shall originate at a public road and shall provide any back lots on

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

the back lot driveway with direct access to a public road.

5. ~~4.~~ If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless the Board determines that it is prohibited by site conditions or the orientation of existing buildings.

6. ~~5.~~ A back lot driveway shall serve no more than two back lots unless it is improved to meet the standards for private streets in Section 5.5 of the Raymond Street Ordinance. No more than one back lot served by the same back lot driveway shall be created during any 5-year period. Prior to the creation of a second back lot, the applicant shall submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Board and a plan for driveway maintenance plan as described in paragraph 7. Article 4, Section 8.A.4.vii of the Raymond Street Ordinance.

7. 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 and required buffers and stormwater management facilities 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.

8. ~~6.~~ No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the public road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.

~~7. A back lot driveway shall conform to the driveway standards of the Raymond Street Ordinance.~~

9. ~~8.~~ Each dwelling constructed on a back lot shall be set back at least 200 feet from public roads.

10. ~~9.~~ A back lot driveway must conform to the minimum sight distance of Section 5.8 of the Raymond Street Ordinance.

11. ~~10.~~ The back lot must comply with all space and bulk regulations in the applicable zoning district as well as the lot standards of Article 9, Section U of the Land Use Ordinance. ~~For the purposes of this section, the portion of the right of way within the back lot may not be used to satisfy the minimum lot area requirement and frontage for the back lot shall be on the back lot right of way.~~

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

12. The minimum travel way width of a back lot driveway shall be 12 feet with 1 foot shoulders. The maximum grade shall be 12 percent. The minimum grade shall be 0.5%. The roadway crown shall be ¼" per one foot, except that the roadway crown shall be ½" per one foot for unpaved or gravel road surfaces. The minimum angle of the intersection of the back lot driveway with the roadway shall be 75 degrees.

13. All applications for a backlot driveway to be submitted for review by the Planning Board shall include the following information:

- a. Names of applicants and owners of land for the location of the proposed back lot driveway.
- b. A statement of any legal encumbrances on the land for the location of the back lot driveway.
- c. The anticipated starting and completion dates.
- d. The plans shall be prepared by a registered land surveyor or engineer and shall include the following:
  - i. Date, scale and magnetic or true north point.
  - ii. 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.
  - iii. 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 Section U. and the plan shall include lot bearings, distances and proposed monumentation.
  - iv. 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.
  - v. 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. The Board may require that such structures be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer in conformance with the requirements of Section U. 5.
  - vi. A phosphorous impact plan in conformance with the requirements of Section U. 5.
  - vii. A soil erosion and sedimentation control plan in conformance with the requirements of Section U. 6.



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

14. 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 back lot driveway and lots that are to be accessed by the back lot driveway, to be published in a newspaper of general circulation in the Town of Raymond at least 7 days prior to the hearing.

15. The Board shall review the application and determine whether it complies with the requirements of this Section. 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. The applicant must record the approval in the Cumberland County Registry of Deeds within 30 days of approval. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the Board of good cause shown.

**ARTICLE 12 - APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE**

**~~Back Lots~~** (created before May 18, 2002) — ~~Backland use for any single family dwelling shall be permitted, provided:-~~

- ~~1. Each building lot shall be at least the minimum lot size of the district. Only one dwelling unit may be erected on each such lot.~~
- ~~2. Wherever possible a minimum width of fifty (50) feet shall be required for any right-of-way serving said backland as a means of access and egress to a street.~~
- ~~3. No dwelling unit shall be erected on backland under this regulation closer than two hundred (200) feet from an existing street.~~
- ~~4. Only one backlot shall be permitted in an approved subdivision.~~

**~~Back Lots~~** - A lot that does not have street frontage directly on a public or private road. Direct access to a public road, and frontage requirements, are met for back lots through an application for a back lot driveway plan approved by the Planning Board under Article 9, Section T of the ordinance.

~~(created on or after May 18, 2002) — A lot for single family residential use that:~~

- ~~1. Does not have frontage on a public or private road.~~
- ~~2. Is provided direct access to a public road by a back lot driveway.~~
- ~~3. Meets the standards of Article 9, Section T of the Land Use Ordinance.~~
- ~~4. Only one back lot shall be permitted in an approved subdivision~~

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

**Back Lot Driveway** - A driveway within a defined location serving access and frontage purposes for back lots and which originates at a public road.

~~A driveway that provides access to a back lot created on or after May 18, 2002 and that:~~

- ~~1. Originates at a public road.~~
- ~~2. Is developed within a 50-foot right of way.~~
- ~~3. Serves no more than two back lots.~~
4. Conforms to requirements of Section 4.8 and 5.5 of the Raymond Street Ordinance.

**Lot Frontage** - The distance along the front lot lines of a lot, or in the case of an irregular or curved front lot line, the distance along an imaginary straight line connecting the two (2) ends of the front lot line; or in the case of a back lot the frontage shall be measured as described in the definition of Back Lot Driveway and in Article 9 Section T.3 of the Land Use Ordinance. That side of a lot facing a major public water body shall be known as the waterfront; and the side or sides facing a street shall be known as the street front.

## **Town of Raymond**

### **Town Meeting Warrant – June \_\_, 2011**

*March 8, 2011 version of Article \_\_ for June \_\_, 2011 Raymond Town Meeting Warrant*

ARTICLE \_\_: Shall Section 2 of the Town of Raymond Fire Protection Ordinance, as adopted May 19, 1995 and amended through March 17, 2001 be further amended by adding the underscored language and deleting the language in strikeover type as shown below.

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

### **Article VI**

#### **Section 2: Solid Fuel Burning Stove Permit**

A permit is required for the installation or alteration of any solid fuel burning device in the Town of Raymond. As used in this section, the term "solid fuel burning device" includes any wood or pellet stove or any other stove which burns a solid fuel as described in the National Fire Protection Association's Standard No. 211, Standards for Chimney's, Fireplaces, Vents and Solid Fuel-Burning Appliances, and the term "alteration" means any change to the device other than routine, periodic maintenance or repair or replacement of damaged or worn components with equivalent components. Before a solid fuel burning device is utilized, the owner of the property on which it is located must contact the Raymond Fire/Rescue Department and arrange to have the device inspected. The fee for such inspection shall be \$25.00. If the Fire/rescue Department finds that the device and it's installation comply with all applicable codes and regulations, the fire/Rescue Department shall issue a permit. Permits may be obtained at either the Fire/Rescue Department or Code Enforcement Office and copies of the permits will be kept by both departments.

**Rationale:** Due to the high heating costs over the past couple of years it was found that many homeowners as well as business owners attempted to install wood and pellet stoves at their properties. In many cases we found that these devices had not been installed properly and were potentially dangerous. Due to the varying regulations of homeowners insurance policies, the Fire/Rescue dept. was sometimes notified and sometimes not notified until the property owner ran into a problem. Many communities have instituted such an ordinance to guide property owners through such issues before it turns into an unsafe or potential deadly operation. With rising costs of fuel and personnel we feel that the \$25.00 assessment helps to cover the cost of the department members who go out and carry on these inspections.

*March 8, 2011 version of Article \_\_ for June \_\_, 2011 Raymond Town Meeting Warrant*

## **Town of Raymond**

### **Town Meeting Warrant – June \_\_, 2011**

*March 8, 2011 version of Article \_\_ for June \_\_, 2011 Raymond Town Meeting Warrant*

**ARTICLE \_\_: Shall Section 3 of the Town of Raymond Fire Protection Ordinance, as adopted May 19, 1995 and amended through March 17, 2001, and the Chimney Ordinance, as adopted May, 1989, be further amended by adding the underscored language and deleting the language in strikeover type as shown below.**

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

### **Town of Raymond Chimney Ordinance (1989)**

~~The installation of factory built and/or metal type material as "a chimney only" is not permitted. It is required that chimneys be of a fire resistant masonry material for solid fuel burning appliances only.~~

### **Town of Raymond Fire Protection Ordinance**

#### **Article VI**

#### **Section 3: Chimney Ordinance (2008)**

1. It is required that chimneys for solid fuel burning appliances be of a fire-resistant masonry material, except as provided in paragraph 2 below.
2. Installation of a prefabricated metal chimney is allowed if the chimney is listed as approved by Underwriters Laboratories or a similar nationally accredited testing laboratory and such listing is in effect at the time of installation. In addition the use of the prefabricated metal chimney must be acceptable under any homeowners insurance policy or other property and casualty insurance policy covering the building on which the chimney is installed.
3. In the event of a chimney fire in any kind of chimney, before the chimney is used again the property owner must have the chimney inspected by a chimney sweep certified by the Chimney Safety Institute of America and provide proof of such inspection to the Town of Raymond Fire/Rescue Department

**Rationale:** This is just a house keeping measure that puts the Fire Department Ordinances together under Fire Protection Ordinance and deletes the 1989 Chimney Ordinance that is already superseded by the 2008 ordinance.

**TOWN OF RAYMOND  
WARRANT FOR THE ELECTION OF OFFICERS**

Tuesday, June 7, 2011

To: Nathan White, Resident of Raymond, or Town Constable 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 Jordan-Small Middle School gymnasium in said Town on Tuesday the fourteenth day of June A.D. 2011 at 7:00 am then and there to act on the following articles:

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

ARTICLE 2 To elect all necessary Town Officers and budget referendum by secret ballot.

The polls for voting on Article 2 will open at 7:00 AM and close at 8:00 PM.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person who is not registered as a voter. A person who is not registered as a voter may not vote in any election.

Given under our hands this 5 day of April A.D. 2011.

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

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

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

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

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

SELECTMEN OF RAYMOND

> -----Original Message-----

> From: Louise Lester [mailto:[louise.lester@raymondmaine.org](mailto:louise.lester@raymondmaine.org)]

> Sent: Thursday, March 31, 2011 2:13 PM

> To: Charly Leavitt; Lonnie Taylor; Joe Bruno; Sam Gifford; Don Willard

> Subject: Warrant printing

>

> I send out RFP's to the attached list of printers. So far I have received only 2 back:

>

> Xpress Copy in Portland (have printer our town report for the last few

> years) at \$456.65 for 300 copies

> Minuteman Press in Conway, NH at \$822.10 for 300 copies.

>

> Please give me permission to offer the job to Xpress Copy, the low bidder, or do you want this to be an agenda item on 4/5?

>

> --

> Louise H. Lester, Town Clerk

> Town of Raymond

> 401 Webbs Mills Road

> Raymond, Maine 04071

> 207-655-4742 ext. 21

> [louise.lester@raymondmaine.org](mailto:louise.lester@raymondmaine.org)

TOWN OF RAYMOND      Assessing Office

401 Webbs Mills Road   Raymond, Maine 04071  
 Phone 207.655.4742 x51   Fax 207.655.3024  
[assessor@raymondmaine.org](mailto:assessor@raymondmaine.org)

The following 3 abatements have been decided by the Raymond Board of Assessors.

Ab #	Acct#	Map	Lot	Sub	Type	Owner	Reason	Year	Taxed Value	Abated Value	Abated Tax
9	J8001R	'011	'042	011		Jordan, William	match pricing of abutters	2010	149,600	37,700	\$407.16
10	M9107R	'022	'035			Morrison, Valerie	change pricing of apt over garage	2010	267000	41,500	\$448.20
11	F0571R	'066	'042			Flahive, Paul & Linda	denied, priced the same as similar	2010	41300	0	\$0.00
Total to Date											\$5,795.65

Voted by the Raymond Assessors on: April 5, 2011

TOWN OF RAYMOND Assessing Office

401 Webbs Mills Road Raymond, Maine 04071  
Phone 207.655.4742 x51 Fax 207.655.3024  
[assessor@raymondmaine.org](mailto:assessor@raymondmaine.org)

ABATEMENT GRANTED

William Jordan  
Nancy Jordan  
13 Fatherland Drive  
Byfield, MA 01922

Map-Lot 011-042-011-000 Acct# J8001R

Dear William & Jordan,

This letter is to inform you that the Raymond Assessors have reduced your property value by 37,700 and granted an abatement of **\$407.16** for the **2010** tax year. If you have paid your taxes in full, a refund will be mailed to you, if you have outstanding taxes, this amount will be removed from your total.

	2010	2010 Revised	Change
Land	149600	111900	37700
Bldg	0	0	0
Total	149600	111900	
Exempt	0	0	
Taxable Total	149600	111900	
Mil Rate	0.01080	0.01080	0.01080
Tax	\$1,615.68	\$1,208.52	\$407.16

The abatement was granted on the following grounds:

The revised value is the result of matching the pricing of this lot to the abutting lots and similar lots in the neighborhood. There was no clear reason for the difference in the original assessments.

If you are dissatisfied with the decision of the assessors and wish to appeal, you have 60 days from the date of this letter to appeal to the Raymond Board of Assessment Review, 401 Webbs Mills Road, Raymond, ME 04071.

Voted by the Raymond Assessors on: \_\_\_\_\_



TOWN OF RAYMOND Assessing Office

401 Webbs Mills Road Raymond, Maine 04071  
Phone 207.655.4742 x51 Fax 207.655.3024  
[assessor@raymondmaine.org](mailto:assessor@raymondmaine.org)

ABATEMENT GRANTED

Valerie Morrision  
23 Plummer Drive  
Raymond, ME 04071

Map-Lot 022-035 Acct # M9107R

Dear Valerie,

This letter is to inform you that the Raymond Assessors have reduced your property value by 41500 and granted an abatement of **\$448.20** for the **2010** tax year. If you have paid your taxes in full, a refund will be mailed to you, if you have outstanding taxes, this amount will be removed from your total.

	2010	2010 Revised	Change
Land	88400	88400	
Bldg	178600	137100	41500
Total	267000	225500	
Exempt			
Taxable Total	267000	225500	
Mil Rate	0.01080	0.01080	0.01080
Tax	\$2,883.60	\$2,435.40	\$448.20

The abatement was granted on the following grounds:

After an interior inspection by the assessor's agent the values of the main dwelling and the apartment over the garage were reduced.

If you are dissatisfied with the decision of the assessors and wish to appeal, you have 60 days from the date of this letter to appeal to the Raymond Board of Assessment Review, 401 Webbs Mills Road, Raymond, ME 04071.

Voted by the Raymond Assessors on: \_\_\_\_\_

TOWN OF RAYMOND      Assessing Office

---

401 Webbs Mills Road Raymond, Maine 04071  
Phone 207.655.4742 x51 Fax 207.655.3024  
[assessor@raymondmaine.org](mailto:assessor@raymondmaine.org)

ABATEMENT DENIED

Paul & Linda Flahive  
PO Box 593  
Raymond, ME 04071

Map-Lot 066-042

Account # F0571R

Dear Mr. and Mrs. Flahive,

This letter is to inform you that the Raymond Assessors have denied your abatement request for the **2010** tax year.

The abatement was denied on the following grounds:

The assessment is consistent with the values of similar properties in the Town of Raymond.

If you are dissatisfied with the decision of the assessors and wish to appeal, you have 60 days from the date of this letter to appeal to the Raymond Board of Assessment Review, 401 Webbs Mills Road, Raymond, ME 04071.

Voted by the Raymond Assessors on: \_\_\_\_\_

## **Draft 2011 Warrant Article to form a Road Improvement Study Committee.**

To see if the Town will vote to establish a Road Improvement Study Committee to evaluate the current condition of Raymond's public road system and to make recommendations for financial strategies to achieve necessary capital improvement work. The committee would investigate the use of long and short term construction bonds, annual Capital Improvement funding, and any other funding mechanisms available.

## 30-A §2602. VACANCY IN MUNICIPAL OFFICE

### 30-A §2602. VACANCY IN MUNICIPAL OFFICE

**1. When vacancy exists.** A vacancy in a municipal office may occur by the following means:

A. Nonacceptance; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Resignation; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Death; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Removal from the municipality; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Permanent disability or incompetency; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. Failure to qualify for the office within 10 days after written demand by the municipal officers; or [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

G. Failure of the municipality to elect a person to office. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Vacancy in office other than selectman or school committee.** When there is a vacancy in a town office other than that of selectman or school committee, the selectmen may appoint a qualified person to fill the vacancy.

[ 1991, c. 270, §3 (AMD) .]

**3. Vacancy in office of selectman.** When there is a vacancy in the office of selectman, the selectmen may call a town meeting to elect a qualified person to fill the vacancy.

[ 1991, c. 270, §3 (AMD) .]

**4. Vacancy in school committee.** A vacancy in a municipality's school committee shall be filled as provided in Title 20-A, section 2305, subsection 4.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**5. Person appointed qualifies.** The person appointed to fill a vacant office must qualify in the same manner as one chosen in the regular course of municipal activity.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**6. Home rule authority.** Under its home rule authority, a municipality may apply different provisions governing the existence of vacancies in municipal offices and the method of filling those vacancies as follows:

A. Any change in the provisions of this section relating to a school committee must be accomplished by charter; and [1993, c. 369, §1 (AMD).]

B. Any change in the provisions of this section relating to any other municipal office may be accomplished by charter or ordinance. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1993, c. 369, §1 (AMD) .]

**7. Authority to act.** Words in any statute, charter or ordinance giving authority to 3 or more persons authorize a majority to act when the statute, charter or ordinance does not otherwise specify. Notwithstanding any law to the contrary, a vacancy on an elected or appointed municipal or quasi-municipal body does not in itself impair the authority of the remaining members to act unless a statute, charter or ordinance expressly prohibits the municipal or quasi-municipal body from acting during the period of any vacancy and does not in itself affect the validity of any action no matter when taken.

[ 2007, c. 396, §3 (NEW); 2007, c. 396, §4 (AFF) .]

#### SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1991, c. 270, §3 (AMD). 1993, c. 369, §1 (AMD). 2007, c. 396, §3 (AMD). 2007, c. 396, §4 (AFF).

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## 30-A §2528. SECRET BALLOT

### 30-A §2528. SECRET BALLOT

The following provisions govern a town's use of a secret ballot for the election of town officials or for municipal referenda elections. A vote by secret ballot takes precedence over a vote by any other means at the same meeting. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Acceptance by town.** When any town accepts this section at a meeting held at least 90 days before the annual meeting, the provisions of this section apply to the election of all town officials required by section 2525 to be elected by ballot, except the moderator, who shall be elected as provided in section 2524, subsection 2.

A. The provisions of this section relating to the nomination of town officials by political caucus apply only when a town separately accepts those provisions at a meeting held at least 90 days before the annual meeting. If any town accepts those provisions, they remain effective until the town votes otherwise. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. A town may accept only the provisions of subsection 4, relating to the nomination of town officials, as provided in section 2527. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Designation, number and terms of officials.** At the time of acceptance, the town shall determine, by a separate article in the warrant, which other officials are to be elected according to this section, and may determine the number and terms of selectmen, assessors and overseers according to section 2526.

A. After the determination under this subsection, a town may not change the designation, number or terms of town officials, except at a meeting held at least 90 days before the annual meeting. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Voting place specified; polls.** The warrant for a town meeting for the election of officials must specify the voting place, which must be in the same building or a building nearby where the meeting is to be held. The warrant for a town meeting for the election of officials that occurs at the same time as voting in federal, state or county elections, but not at the same time as a town meeting held for other purposes, may specify the same voting places as those used by the town for federal, state or county elections. The warrant must specify the time of opening and closing the polls, which must be kept open at least 4 consecutive hours.

A. In the warrant for a town meeting under this section, the municipal officers may designate the date of the election and designate another date within 14 days of the date set for elections as the time for considering the other articles of business in the warrant. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 2003, c. 569, §1 (AMD) .]

**4. Nomination papers; caucuses.** The nomination for any office shall be made by nomination papers or by political caucus as provided in this subsection.

A. The municipal clerk shall make nomination papers available to prospective candidates during the 40 days before the filing deadline. Before issuing nomination papers, the clerk must complete each sheet by writing in the name of the candidate and the title and term of office being sought.

(1) Nomination papers must be signed by the following number of voters based on the population of the town according to the last Federal Decennial Census of the United States:

- (a) Not less than 3 nor more than 10 in towns with a population of 200 or less;
- (b) Not less than 10 nor more than 25 in towns with a population of 201 to 500; and
- (c) Not less than 25 nor more than 100 in towns with a population of more than 500.

(2) Each voter who signs a nomination paper shall add the voter's residence with the street and number, if any. The voter may sign as many nomination papers for each office as the voter chooses, regardless of the number of vacancies to be filled. [1995, c. 102, §1 (AMD) .]

B. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election. [1991, c. 83, §1 (AMD) .]

C. Completed nomination papers or certificates of political caucus nomination must be filed with the clerk during business hours by the 45th day prior to election day. They must be accompanied by the written consent of the person proposed as a candidate agreeing:

- (1) To accept the nomination if nominated;
- (2) Not to withdraw; and
- (3) If elected at the municipal election, to qualify as such municipal officer.

When these papers and certificates are filed, the clerk shall make them available to public inspection under proper protective regulations. The clerk shall keep them in the office for 6 months. [1993, c. 608, §6 (AMD) .]

D. A nomination paper or a certificate of political caucus nomination that complies with this section is valid unless a written objection to it is made to the municipal officers by the 43rd day prior to election day.

- (1) If an objection is made, the clerk shall immediately notify the candidate affected by it.
- (2) The municipal officers shall determine objections arising in the case of nominations. Their decision is final. [1993, c. 608, §6 (AMD) .]

E. Notwithstanding this subsection, when the municipal officers determine to fill a vacancy under section 2602, which must be filled by election, the municipal officers may designate a shorter time period for the availability of nomination papers, but not less than 10 days before the filing deadline, and may designate a shorter time period for the final date for filing nomination papers, but not less than the 14th day before election day. Notice of the designation shall be posted in the same place or places as town meeting

warrants are posted and local representatives of the media shall be notified of the designation. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1995, c. 102, §1 (AMD) .]

**5. Referendum questions.** By order of the municipal officers or on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the municipal officers shall have a particular article placed on the next ballot printed or shall call a special town meeting for its consideration. A petition or order under this subsection is subject to the filing provisions governing nomination papers under subsection 4.

The municipal officers shall hold a public hearing on the subject of the article at least 10 days before the day for voting on the article. At least 7 days before the date set for the hearing, the municipal officers shall give notice of the public hearing by having a copy of the proposed article, together with the time and place of hearing, posted in the same manner required for posting a warrant for a town meeting under section 2523. The municipal officers shall make a return on the original notice stating the manner of notice and the time it was given.

A. The requirement for public hearing is not a prerequisite to the valid issuance of any bond, note or other obligation of a municipality authorized to borrow money by vote under any such particular article. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. If a particular article to be voted on by secret ballot requests an appropriation of money by the municipality, the article, when printed in the warrant and on the ballot, must be accompanied by a recommendation of the municipal officers.

(1) If by town meeting vote or charter provision, a budget committee has been established to review proposed town expenditures, the recommendations of the budget committee shall be printed in addition to those of the municipal officers.

(2) If the action affects the school budget, a recommendation by the school board shall be printed in addition to those of the municipal officers and the budget committee, if any. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. If the warrant for a town meeting contains only articles for the election of the moderator and one or more referendum questions to be voted on by secret ballot, the municipal officers may specify the same voting places as those used by the town for federal, state or county elections. [2003, c. 569, §2 (NEW) .]

[ 2003, c. 569, §2 (AMD) .]

**6. Ballots, specimen ballots and instruction cards.** The clerk shall prepare ballots, specimen ballots and instruction cards according to the following provisions.

A. The ballot shall contain the names of properly nominated candidates arranged under the proper office designation in alphabetical order by last name. It may contain no other names. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled in which a voter may write in the name and, if residence in the municipality is not a requirement to hold office, municipality of residence of any person for whom the voter desires to vote. A sticker may not be used to vote for a write-in candidate in any municipal election other than a primary election. [1991, c. 83, §2 (AMD).]



C. Any question or questions required by law to be submitted to a vote shall be printed either below the list of candidates or on a separate ballot from the ballot listing candidates. If a separate ballot is used, this ballot must be a different color than the ballot listing candidates. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. A square shall be printed at the left of the name of each candidate, and 2 squares shall be printed at the left of any question submitted with "yes" above one and "no" above the other, so that a voter may designate the voter's choice clearly by a cross mark (X) or a check mark (.). [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Words of explanation such as "Vote for one" and "Vote yes or no" may be printed on the ballot. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

F. Ballots must be uniform in size. On the ballot must appear "Official Ballot for the Town of .....", the date of election and a facsimile of the signature of the clerk. [1993, c. 608, §7 (AMD).]

G. A sufficient number of ballots shall be printed, photocopied or otherwise mechanically reproduced and furnished, and a record of the number shall be kept by the clerk. The printed ballots shall be packaged in convenient blocks so that they may be removed separately. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

H. Ten or more specimen ballots printed on paper of a distinctive color without the endorsement of the clerk shall be provided. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

I. Instruction cards containing the substance of Title 21-A, sections 671 to 674, 681, 682, 692 and 693, to guide voters in obtaining and marking ballots and to inform them of penalties for improper conduct shall be printed. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

J. The ballots and specimen ballots shall be packed in sealed packages with marks on the outside specifying the number of each enclosed. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

K. When voting machines are used, the clerk shall prepare and furnish ballot labels that comply, as nearly as practicable, with the provisions of this section which apply to ballots. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1993, c. 608, §7 (AMD) .]

**6-A. Candidate withdrawal; new ballots.** The following provisions govern the withdrawal of a candidate from an elective race.

A. A candidate may withdraw from an elective race by notifying the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal at least 45 days before the election. This notice must be signed by the candidate and must be notarized. [1993, c. 608, §8 (NEW).]

B. Within the 45-day period before an election, the municipal clerk may allow a candidate to withdraw from an elective race. A candidate who requests to withdraw within the 45-day period before an election shall notify the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal. This notice must be signed by the candidate and must be notarized. [1993, c. 608, §8 (NEW).]

C. The municipal clerk shall ensure that new ballots are produced, if necessary, to reflect the withdrawal of a candidate from an elective race. [1993, c. 608, §8 (NEW).]

[ 1993, c. 608, §8 (NEW) .]

**6-B. Inspection of ballots in an election.** Upon receipt of a package or box containing absentee ballots for an election, the municipal clerk may open the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. The clerk may then proceed to issue absentee ballots in response to pending requests. Upon receipt of a package or box containing regular ballots for an election, the clerk may open, in the presence of one or more witnesses, the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. Ballots to be used for testing electronic tabulating devices may be removed at this time and immediately marked with the word "TEST" across the front side of the ballot in black or blue indelible ink. The clerk shall keep a record of the number of ballots used for testing purposes and seal the record with the test ballots in a container labeled "TEST BALLOTS" at the conclusion of the testing. The clerk shall then reseal the package or box of regular ballots and secure the package or box of ballots until election day, when it is delivered to the warden at the polling place.

[ 2007, c. 19, §1 (NEW) .]

**7. Specimen ballot posted.** At least 4 days before the election, the clerk shall have posted in one or more conspicuous, public places a specimen ballot or a list, substantially in the form of a ballot, containing the name and office designation of each candidate.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**8. Ballot clerks.** Before the polls are opened, the selectmen shall appoint the necessary number of ballot clerks as provided in Title 21-A, section 503. When there are vacancies after the polls are opened, the moderator shall appoint replacement clerks. The ballot clerks shall be sworn before assuming their duties.

A. On election day, before the polls are opened, the clerk shall deliver the ballots to the ballot clerks and shall post an instruction card at each voting compartment and at least 3 instruction cards and 5 specimen ballots in the voting room outside the guardrail enclosure. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The ballot clerks shall give a receipt to the clerk for the ballots received by them. The clerk shall keep the receipt in the clerk's office for 6 months. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during a temporary absence from the polling place. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. The selectmen shall prepare a duplicate incoming voting list for the use of the ballot clerks. The law pertaining to incoming voting lists applies equally to duplicate incoming voting lists. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**9. After votes counted, ballots delivered to clerk.** After the ballot clerks have counted and tabulated the votes cast, the moderator shall deliver the ballots to the clerk who shall seal them in a suitable package and keep them in the clerk's office for 2 months.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**10. Election by plurality vote; tie vote.** Election must be by plurality vote. In the case of a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless all but one tied candidate withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 7-day period following the election. After the 7-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

If the meeting is adjourned sine die before a tie vote is resolved or the tie vote is discovered after the meeting adjourns sine die and more than one candidate remains, a new meeting must be called to conduct a run-off election by the method described in this subsection.

[ 1997, c. 733, §1 (AMD) .]

#### SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§A18-20,C8, C10 (AMD). 1991, c. 83, §§1,2 (AMD). 1991, c. 323, (AMD). 1993, c. 608, §§6-8 (AMD). 1995, c. 13, §1 (AMD). 1995, c. 102, §1 (AMD). 1997, c. 733, §1 (AMD). 2003, c. 569, §§1,2 (AMD). 2007, c. 19, §1 (AMD).

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Shall an ordinance entitled "Ordinance for the Recall of Public Officials" be enacted?  
Yes            No

## **Ordinance for the Recall of Elected Municipal Officials**

### **SECTION 1. Authority**

This Ordinance is adopted pursuant to Title 30-A M.R.S.A. Section 2602 (6)

### **SECTION 2. Applicability**

Any elected Selectman of the Town of Casco may be recalled and removed from office as herein provided for.

### **SECTION 3. Petitions for Recall.**

- a. The petition for recall must contain only signatures of the registered voters of the Town of Casco, equal to ten percent (10%) of the number of votes cast in the last Gubernatorial election but in all cases no less than ten.
- b. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition; if petition for the recall of all Selectmen are submitted, then the petition will be addressed to the Town Clerk.
- c. The petition shall state the name and office of the person whose removal is being sought.
- d. If recall of more than one official is being sought, there shall be a separate petition for each official whose removal is being sought.
- e. Each page of the petition shall provide a space for the voter's signature, address and printed name.
- f. All petition pages thereof shall be filed as one document.

### **SECTION 4. Clerk's Certification**

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in Section 3 of this Ordinance. Should the petition be found insufficient, the petition will be filed in the Town Clerk's office and the voter who filed the petition will be notified.

### **SECTION 5. Calling the Recall Election**

- a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.
- b. The Selectmen, upon receipt of the certified petition, shall within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA / 2528, to be held not less than 45 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition; in this case, the Selectmen may, at their discretion provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Board of Selectman fails or refuses to order an election as herein provided, the Town Clerk shall call the election to be held not less than 45 days nor more than 60 days following the Board of Selectmen's failure or refusal to order the required election.

#### SECTION 6. Ballots for Recall Election

Unless the official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen or Town Clerk, the ballots shall be printed and shall read, "SHALL \_\_\_\_\_ BE RECALLED?," with the name of the official whose recall is being sought inserted in the blank space.

#### SECTION 7. Result of Election

In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records.

#### SECTION 8. Vacancies to be Filled

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

## TOWN OF SKOWHEGAN

### **ORDINANCE FOR THE RECALL OF ELECTED MUNICIPAL OFFICIALS**

Adopted, Special Town Meeting, October 25, 2001

#### SECTION 1. Applicability and Establishment

Any elected Official of the Town of Skowhegan, except school Board members, may be recalled and removed from office as herein provided.

#### SECTION 2. Petitions for Recall

- a. Recall shall be initiated by petition.
- b. The petition for recall must contain only signatures of the registered voters of the Town of Skowhegan, equal to ten percent (10%) of the number of votes cast in Skowhegan in the last Gubernatorial election.
- c. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition, but the petition shall in every case, be filed with the Town Clerk or Deputy Town Clerk.
- d. The petition shall state the name and office, or offices, of the person whose removal is being sought.
- e. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought.
- f. Each page of the petition shall be ruled, and each line shall provide a space for the voters' signatures, address and printed name.
- g. All pages of a single petition shall be filed as one document. The Town Clerk or Deputy Town Clerk shall not file the petition until at least one person supplies contact information on behalf of the petitioners.

#### SECTION 3. Clerk's Certification

Within ten (10) calendar days of receipt of the petition the Town Clerk or Deputy Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the requirements as set forth in Section 2 of this Ordinance. Should the petition be found insufficient, the petition will be retained in the Town Clerk's Office and the person who filed the petition will be notified.

#### SECTION 4. Calling the Recall Election

- a. If the petition is certified by the Town Clerk or Deputy Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.
- b. The Board of Selectmen upon receipt of the certified petition shall within ten (10) days time of receipt order an election by secret ballot, pursuant to 30-A MRSA §2528, to be held forty-five (45) days thereafter.
- c. No petition for recall will be accepted during the first ninety (90) days or during the last ninety (90) days of a multi year term.
- d. Once a recall petition has been called and failed, no recall may be filed within ninety (90) days after such vote.

#### SECTION 5. Ballots for Recall Election

Unless the official, or officials, whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL \_\_\_\_\_ BE RECALLED FROM THE OFFICE OF \_\_\_\_\_?" (with the name of the official whose recall is being sought inserted in the blank space.) If the petition seeks the recall of a person from more than one office, each office must be named.

#### SECTION 6. Result of the Election

In the event of an affirmative vote for removal, such vote shall take effect the day following the day of voting.

#### SECTION 7. Vacancies to be Filled

Any vacancy resulting from the removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State statutes.

Give under our hands this \_\_\_\_\_ day of \_\_\_\_\_

Adopted by the voters the \_\_\_\_\_

***TOWN OF PALMYRA, MAINE***

***ORDINANCE RELATING TO THE RECALL OF ELECTED OFFICIALS***

**ELECTED OFFICIALS MAY BE RECALLED:**

Any elected official, other than a School Committee member, may be recalled and removed from office by the qualified voters of the Town as herein provided. Recall is intended to be used when, in the opinion of the number of voters hereinafter specified, an elected official, acting as such, has caused a loss of confidence in the official's judgment or ability to perform the duties and responsibilities of the office.

**AFFIDAVIT, PETITION, PREPARATION AND FILING:**

1. Any twenty-five (25) qualified voters of the Town may file with the Town Clerk an affidavit containing the name of the official sought to be recalled and a statement of specific facts to support the grounds of recall. The Town Clerk shall forthwith transmit a copy of such affidavit to the official sought to be recalled and to the Board of Selectmen.

2. Within five (5) days from the date of filing of the affidavit, the Town Clerk shall deliver to the twenty-five (25) voters making such affidavit a sufficient number of petition forms demanding such recall.

(a) The recall petition forms shall be issued, consecutively numbered, and signed by the Town Clerk, who shall set the official seal thereto.

(b) The forms shall be addressed to the Board of Selectmen.

(c) The forms shall contain the name of the official sought to be recalled, and the grounds of recall as stated in said affidavit, and demand the election of the successor to such official.

(d) The petition (total of all forms issued) shall be signed by registered voters of the Town of Palmyra equal to at least 10% of the votes cast for the office of Governor at the most recent gubernatorial election, but in no case less than 75 voters, and to every signature shall be added the place of residence of the signer.

(e) The recall petition forms shall be filed with the Town Clerk within thirty (30) days of the issuance of such petition.

(f) The Town Clerk shall deliver the petition to the Registrar of Voters who shall, within five (5) days, certify the number of signatures, which are qualified voters of the Town



## 2 - Ordinance Re. Recall

### **ELECTION AS TO RECALL AND PUBLIC HEARING:**

1. If the petition shall be certified to be sufficient by the Town Clerk and the Registrar of Voters, the Town Clerk shall allow five (5) days for the filing of legal challenges to the signatures on the petition. If no such challenges are filed, the Town Clerk shall forthwith certify and submit the petition to the Board of Selectmen.

2. The Board of Selectmen shall forthwith give written notice to the official sought to be removed of the receipt of the certified petition and, if the official does not resign within five (5) days, shall order a Town meeting be held for the purpose of electing a replacement official, on a day fixed by them not less than thirty (30) or more than forty-five (45) days after the date of the Town Clerk's certification that a sufficient petition is filed.

3. If a vacancy occurs in said office after a recall election has been so ordered, the Town meeting shall nevertheless proceed as provided in this section.

4. The official sought to be recalled may request a hearing at the Town meeting; in which case the Selectmen shall provide the opportunity for a hearing.

### **NOMINATION OF CANDIDATES:**

Any official being recalled shall not be a candidate at the recall election. The nomination of candidates, the publication of the Warrant for recall election, and the conduct of said meeting shall be in accordance with the provisions of the Laws of the State of Maine relating to elections.

### **INCUMBENT TO CONTINUE DUTIES DURING RECALL PROCESS:**

The incumbent (unless he/she has submitted a written resignation to the Selectmen) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office for the remainder of the unexpired term, subject to subsequent recall only, as provided in the last paragraph of this ordinance. If recalled, the official shall be deemed removed from office upon the certification of the election results.

### **FORM OF BALLOTS FOR RECALL;**

#### **PRESENT TOWN MEETING ELECTION PROCESS:**

Separate ballots shall be used for each official whose recall is sought. The Warrant for the Town Meeting shall contain an itemized list of each official being recalled; votes shall be yes or no. After the vote on the recall is counted and it is determined that the official has, in fact, been recalled, ballots shall be cast for the replacement candidates.

**METHOD TO BE USED IF AUSTRALIAN BALLOT IS ADOPTED:**

Ballots used in a recall election shall contain a separate question for each official whose recall is sought, as follows: "Shall (name of official) be recalled from office?" and shall contain two separate boxes, one for a "yes" vote, and one for a "no" vote. Under each separate question there shall appear the word "CANDIDATES" and the direction "VOTE FOR ONE", and beneath this the names of candidates who have submitted nomination papers in accordance with the provisions of the Australian Ballot. In the event the recall is passed, the candidate receiving the greatest number of votes shall be deemed elected.

**LIMITATION ON PETITIONS**

No recall petition shall be filed against an official within the first four (4) months of taking office; nor, in the case of an official subject *to* recall election and not removed thereby, until at least six (6) months after that election.

**Town of Minot**  
**Ordinance for the Recall of Certain Elected Municipal Officers**

**Section 1: Establishment**

Under M.R.S.A. Title 30-A Section 2602(6) amended October 13, 1993, a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of School Board Members as noted in M.R.S.A. Title 30-A, Section 2602.

**Section 2: Applicability**

Any elected selectman or assessor of the Town of Minot may be recalled and removed from office as herein provided for.

**Section 3: Petitions for Recall**

1. The Petition for Recall must contain the signatures of a number of voters of the Town of Minot, equal to Ten Percent (10%) of the number of votes cast in the last Gubernatorial Election, but in all cases no less than Ten (10).
2. The Petition shall be addressed to those Members of the Board of Selectmen having no interest in the subject matter of the Petition.
3. The Petition shall state the name and office of the person whose removal is being sought, and a general statement of the reasons such removal is desired.
4. If recall of more than one official is being sought, there shall be a separate Petition for each official whose removal is being sought.
5. Each page of the Petition shall provide a space for the voter's signature, address and printed name.
6. All petition pages thereof shall be filed as one document.

**Section 4: Clerk's Certification**

Within Ten (10) days of receipt of the Petition, the Town Clerk shall certify the signatures contained on the Petition and shall determine if the Petition meets all of the qualifications as set forth in Section 3 of this Ordinance. Should the Petition be found insufficient, the Petition will be filed in the Clerk's Office and the voter who filed the Petition shall be notified.

**Section 5: Calling the Recall Election**

1. If the Petition is certified by the Town Clerk to be sufficient, he or she shall submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.
2. The Selectmen, upon receipt of the certified Petition, shall, within Ten (10) days time of

receipt, order an election by secret ballot, pursuant to Title 30-1, M.R.S.A. Section 2528, to be held not less than Thirty (30), nor more than Sixty (60) days thereafter, provided that a regular municipal election will not be held within Ninety (90) days of receipt of the certified Petition, in this case the Selectmen may, at their discretion, provide for the holding of the recall election on the date of the regular municipal election.

3. In the event that the Town Selectmen fails or refuses to order an election as herein provided, the Town Clerk shall call the election to be held not less than Thirty (30) days, nor more than Sixty (60) days, following the Selectmen's failure or refusal to order the required election.

#### **Section 6: Ballots for Recall Election**

Unless the official or officials whose removal is being sought have resigned within Ten (10) days of receipt of the Petition by the Board of Selectmen, the ballots shall be printed and shall read: "Shall \_\_\_\_\_ be recalled?" with the name of the official whose recall is being sought inserted in the blank space.

#### **Section 7: Result of Election**

In the event of an affirmative vote for removal, such vote shall take effect as of the recording of the vote tabulation into the records.

#### **Section 8: Vacancies to be Filled**

Any vacancy resulting from removal from office under this Ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

Adopted March 4, 2000.

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Clerk, Town of Minot

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

Adopted January 18, 2005

Amended June 15, 2010

Amended March 10, 2011

### 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].

In accordance with M.R.S.A., Title 30-A § 2635, "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 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 and matter relating to the welfare of the Town."

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

**John E. O'Donnell and Associates, Municipal Mapping and Assessing**

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632 Bald Hill Rd New Gloucester, Maine 04260

Phone 207 926-4044 Fax 207 926-4037

March 28, 2011

Don Willard  
401 Webbs Mills Road  
Raymond, ME 04071

Dear Don,

I would like to schedule a workshop with the Board of Assessors to review Raymond's policy on tax abatement requests and the relationship between our assessed values and the current market conditions. It would be convenient for me to meet in the assessing office since that is where I will have access to Vision and the assessing files.

Sincerely,

Michael O'Donnell  
John E. O'Donnell and Associates

March 31, 2011  
11076

Mr. Donald Willard, Town Manager  
Town of Raymond  
401 Webbs Mills Road  
Raymond, ME 04071

**Proposal for Professional Services – Feasibility Assessment for the Jordan Small School**

Dear Don:

Thank you for contacting Sebago Technics to assist with a feasibility assessment at the Jordan Small School. I understand the RSU #14 Facilities Committee met and has agreed to support a feasibility study to assess the space and functional needs for shared use of the Jordan Small School by both the town and school.

The feasibility assessment will be the first step to determine if the town and school needs can be accommodated at the Jordan Small School. This will be accomplished through a programming assessment and development of a schematic layout plan as described in the following scope of work. We have partnered with an experienced local Architect, Port City Architecture to assist us with the programming and space planning.

**Scope of Services - Feasibility/Programming**

1. Program the Town's current and future space needs and characteristics of those spaces in a computerized data base.
2. Review School Department information based upon space and use needs provided by the School Department.
3. Provide matrixes and informational tabulations of those spaces to define total square footage, adjacencies, shared infrastructure possibilities, etc.
4. Walk-through review of the existing Jordan Small School for general condition, mechanical, electrical, and site considerations.
5. Determine which area of the building is best suited for the Town Hall needs.
7. Attend four meetings with town manager/staff and school representatives.
8. Attend one public presentation or meeting with town/school administration to review findings of the feasibility assessment.
9. Review site considerations such as parking, access, entryways, and sidewalks.

- 10. Prepare Executive Summary of findings, program book with a page for each space needed and various program matrixes.
- 11. Prepare and provide a colored schematic plan of the proposed layout.

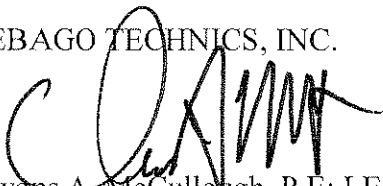
A project of this type is typically a 3 phase process beginning with the feasibility assessment as provided for in this proposal to determine if the project is viable from a programming and use perspective. If the feasibility work determines the project is viable, the second phase would focus on more detailed site investigations such as environmental audits, review of the existing mechanical, electrical, and heating systems, development of renovation plans and cost estimates along with bidding documents. The third phase would focus on construction services which typically include submittal review, contractor coordination, construction meeting and coordination, inspections and issuing RFI responses as work progresses. Once we complete the feasibility services and better understand how the space might be used jointly, we can develop a design, engineering, and construction services budget for the project (Phases II and III).

We propose to complete the feasibility/programming scope of services with a not to exceed budget of \$10,000 excluding reimbursable expenses which are estimated to be \$450.00. We have assumed the Town or School Department can provide us with an Existing Conditions Plan of the school including a floor plan. We will utilize this information for preparation of a Schematic Use Plan. Upon authorization to proceed we would begin with a facility walk-thru followed by an initial meeting with staff and the school to review space and use needs.

As always, please feel free to contact me with any questions.

Sincerely,

SEBAGO TECHNICS, INC.



Owens A. McCullough, P.E; LEED A.P.  
 Vice President of Engineering and Project Development

OAM:oam/dlf

**ACCEPTED and AUTHORIZED**  
**(Sebago Technics, Project Number: 11076)**

By: \_\_\_\_\_

Representing: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



*401 Webbs Mills Road  
Raymond, Maine 04071  
207.655.4742*

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March 31, 2011

To: Don Willard  
From: Nancy Yates

The annual town meeting for the Town of Raymond, which was held June 1, 2010, approved the budget and other business for FY2010-2011. The warrant for that Town Meeting contained Article 12, which authorized 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 amount recommended and approved was an amount not over \$75,000. As of this date the Selectmen have not used any of the approved funds.