



LAND USE ORDINANCE

ADOPTED MAY 21, 1994

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RAYMOND PLANNING BOARD
RAYMOND, MAINE

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ARTICLE 1 – PREAMBLE

An ordinance to promote the health, safety, and general welfare of the community by regulating the use of land and the use and construction of new buildings and premises in the Town of Raymond, Maine.

ARTICLE 1 - PREAMBLE

A. Authority

This Ordinance has been prepared in accordance with the provisions of the Revised Statutes of Maine, as amended.

B. Title

This Ordinance and the accompanying Land Use Regulation Map or maps shall be known and may be cited as the "Land Use Ordinance of the Town of Raymond, Maine." This Ordinance shall consist of this document and the accompanying "Raymond Shoreland Zoning Provisions."

C. Purpose

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents of the Town; to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird, and other wildlife habitat; conserve shore cover, visual as well as actual points of access to waters and natural beauty; and to provide for adequate public services, as an integral part of a comprehensive plan for municipal development.

D. Jurisdiction

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Raymond, Maine.

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ARTICLE 2 – ESTABLISHMENT OF DISTRICTS

ARTICLE 2 - ESTABLISHMENT OF DISTRICTS

A. Districts

To implement the provisions of this Ordinance, the Town of Raymond is hereby divided into the following districts:

Established Districts

1. Village Residential District (VR)
2. Manufactured Housing Overlay District (MHOD) *[Adopted 5/21/05]*
3. Rural District (R)
4. Rural Residential District (RR)
5. Shorelands - This district is hereby divided into the following sub-districts.
 - a. Resource Protection District (RP)
 - b. Stream Protection District (SP)
 - c. Limited Residential - Recreation District I (LRR1)
 - d. Limited Residential - Recreation District II (LRR2)
6. General Commercial (C)
7. Industrial (I)

B. Land Use Regulation Map

The Land Use Regulation Map shall be identified by the signature of the Planning Board attested to by the Town Clerk under the following words: "This is to certify that this is the Land Use Regulation Map referred to in Article 1 of the Land Use Ordinance of the Town of Raymond, Maine, adopted on May 21, 1994.

1. If action of the Town Meeting amends the ordinance necessitating changes in district boundaries or other matter portrayed on the Land Use Regulation Map, such change shall promptly be entered on the Land Use Regulation Map and certified on the map as follows: "On (date), by action of the Town Meeting, the following (change) changes were made in the Land Use Regulation Map: (brief description of nature of change)," which entry shall be signed by the Planning Board and attested by the Town Clerk. Amendments to this Ordinance involving matters portrayed on the Land Use Regulation Map shall become effective after such change and entry has been made on said map.
2. Regardless of the existence of purported copies of the Land Use Regulation Map which may from time to time be made or published, the Land Use Regulation Map which shall be located in the office of the Town Clerk shall be the final authority as to the current Land Use Regulation status of land and water areas, buildings, and other structures in the Town.

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ARTICLE 2 – ESTABLISHMENT OF DISTRICTS

3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use Regulation Map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the center lines of street, highways, or alleys shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
 - d. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Regulation Map, or in other circumstances not covered by subsections a. through c. above, the Board of Appeals shall interpret the district boundaries;
 - e. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals shall permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot;
 - f. Shoreland district boundaries that do not follow street lines, platted lot lines or shore lines shall be construed as following a line measuring six hundred (600) feet back from the mean high water mark of the waterfront to which they pertain.
4. In the event that the Land Use Regulation Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Meeting may by resolution adopt a new Land Use Regulation Map, which shall supersede the prior Land Use Regulation Map. The new Land Use Regulation Map may correct drafting or other errors or omissions in the prior Land Use Regulation Map. The new Land Use Regulation Map shall be identified by the signature of the Planning Board attested by the Town Clerk, under the following words: "This is to certify that this Land Use Regulation Map adopted _____ supersedes and replaces the Land Use Regulation Map adopted (date of adoption of map being replaced) as part of the Land Use Ordinance of the Town of Raymond, Maine." The superseded Land Use Regulation Map shall be preserved together with all available records pertaining to its adoption or amendment.

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ARTICLE 3 - CONFORMANCE WITH ORDINANCE

ARTICLE 3 - CONFORMANCE WITH ORDINANCE

The terms and requirements contained in this Land Use Ordinance, and in any amendment thereto, shall be applicable to the use of any building, structure or land, or any part thereof, and to the location, construction, erection, reconstruction or structural alteration of any building or structure, within the Town of Raymond after the effective date of this Ordinance, being March 13, 1971, or of any amendment thereto, provided that nonconforming uses and certain small lots shall be grandfathered in accordance with the following provisions:

A. Non-Conforming Uses

1. Continuance of Non-Conforming Uses

- a. The use of land, building or structures existing and lawful at the time of adoption or subsequent amendment of this Ordinance, may continue although such use does not conform to provisions of this Ordinance. A lawful non-conforming building or use may be repaired, maintained or improved, but the non-conforming use may not be extended or expanded except in conformity with the provisions of this Ordinance.
- b. Any lawful non-conforming building may be continued and maybe expended by thirty (30) percent by area or volume within the setback requirements of the size existing at the time of adoption of this Ordinance provided that the expansion is attached to the existing structure, does not increase the degree of non-conformity of the structure and that all other setback requirements in the appropriate zone are met. Further reasonable expansion up to an additional seventy (70) percent of the size existing at the time of adoption of this Ordinance may be authorized as provided herein. The addition of a traditional basement shall not be considered an expansion unless it is a daylight (walk in) basement or raises the structure more than three (3) feet above its original elevation. *[Amended 5/19/90]* Board of Appeals shall either grant or deny such applications treating them as requests for variances and, in addition, applying the requirements of Article 9, Section A.
- c. Any lawful non-conforming use, except lawful, non-conforming residential uses in the industrial and commercial zones, may be expanded by thirty (30) percent of the size existing at the time of

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adoption of this Ordinance provided that an increase in the number of non-conforming uses does not result. This section allows the increase in size of the structure serving the non-conforming use but is not intended to permit the addition of non-conforming uses, which were not in existence at the time this Ordinance became effective. The expansion of an otherwise conforming building to accommodate the expansion of a non-conforming use must conform to the requirements of Subsection b. above. Further reasonable expansion up to an additional seventy (70) percent of the size existing at the time of adoption of this Ordinance may be authorized as provided herein. The addition of a traditional basement shall not be considered an expansion unless it is a daylight (walk-in) basement or raises the structure more than three (3) feet above its original elevation. *[Amended 5/19/90]* Board of Appeals shall either grant or deny such applications treating them as requests for variances and, in addition, applying the requirements of Article 9, Section A.

- d. Any expansion of a non-conforming mobile home park shall conform to the space and bulk standards of the zone in which it is situated; however, no parcel shall be less than 20,000 square feet in size.

2. Discontinuation of Non-Conforming Uses

A lawful non-conforming use that is discontinued for a period of two years may not be resumed. The uses of the land, building, or structure shall thereafter conform to the provisions of this Ordinance.

- a. Change of a Non-Conforming Use - Whenever a non-conforming use is superseded by a permitted use of a structure, or structures and land in combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use or similar uses subject to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed. A non-conforming use may be changed to be more compatible with uses permitted in its vicinity than the existing use.
- b. Transfer of Ownership - Ownership of land and structures, which remain lawful but become non-conforming by the adoption or amendment of this Ordinance, may be transferred and the new owner may continue the non-conforming use or similar uses subject to the provisions of this Ordinance.

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3. Non-Conforming Lots of Record

- a. A single family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other space and bulk standards of this Ordinance shall be met.
- b. If two (2) or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance and if all or part of the lots do not meet the dimensional and area requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional and area requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance. Two (2) contiguous lots in single ownership which each have an existing residential structure or structures on them at the time of the adoption of this Amendment being September 26, 1987, and which do not meet the dimensional and area requirements of this Ordinance are exempt from this section and may be divided, providing each lot is a minimum of 20,000 square feet in size.
- c. Two (2) or more contiguous lots in single ownership included within a subdivision approved by the Raymond Planning Board prior to July 17, 1974, and recorded in the Cumberland County Registry of Deeds which are required to be combined under this Ordinance may be divided provided that the division creates only two (2) resulting lots, and that the two (2) resulting lots are of equal size and that each of the resulting lots is at least 20,000 square feet in area and has at least one hundred feet of frontage. No structure that requires a variance from the setback requirements of this Ordinance shall be erected on the resulting lots and a statement setting forth this restriction shall be recorded in the Cumberland County Registry of Deeds at the time of the division. At least one of the two (2) resulting lots must be transferred into separate ownership or used for construction of a single-family residence prior to September 26, 1992, or the two (2) resulting lots shall be combined into a single lot.
- d. Notwithstanding any other provisions of this Article, any vacant lot of record as of December 30, 1986, containing at least sixty thousand

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(60,000) square feet and having two hundred twenty five (225) feet of frontage or shown on a subdivision plan approved by the Raymond Planning Board on or after July 17, 1974, and recorded in the Cumberland County Registry of Deeds may be built upon as a separate lot and need not be combined with other contiguous lots in the same ownership.

4. Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer, or damaged by fire or other casualty.

5. Pending Application for Building Permits

Nothing in this Ordinance shall require any change in the plans, construction, size or designated use for any building, structure or part thereof for which a building permit has been issued, provided construction shall start within six (6) months after issuance of such permit or upon which substantial construction has commenced prior to the adoption or amendment of this Ordinance.

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ARTICLE 4 - DISTRICT REGULATIONS

ARTICLE 4 - DISTRICT REGULATIONS

A. Village Residential District (VR) [*Amended 5/21/05*]

1. Intent. To provide housing in a compact residential area. The areas encompassed in this district are to be of an urban nature with neighborhood shopping services and facilities to be provided within the district. The district is established to combine the convenience of urban life with the physical amenities of rural environment. Toward the achievement of these purposes, the following minimum standards are established:
2. Permitted Uses
 - a. One-family dwelling to include modular homes (Type 2 manufactured homes) [*Amended 5/21/05*]
 - b. Duplex [*Adopted 5/21/05*]
 - c. Multi-family dwelling
 - d. Schools
 - e. Churches
 - f. Public buildings and facilities
 - g. Agriculture excepting commercial poultry and piggery operations
 - h. Accessory uses and buildings
 - i. Professional building
 - j. Nursing homes
 - k. Boarding homes
 - l. Bed and breakfast inn not to exceed five (5) rentable rooms
 - m. Elderly Housing [*Adopted 5/21/05*]
3. Conditional Uses
 - a. General store and neighborhood grocery store not to exceed one thousand (1,000) square feet of retail space including storage
 - b. Public utilities and communications facilities
 - c. Antique shops
 - d. Home occupations that conform to the requirements of Article 9, Section B. A home occupation which conforms to Article 9, Section B, and which is specifically permitted by Article 12 of this Ordinance shall be considered a permitted use.
4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements:

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- a. The minimum lot area shall be forty thousand (40,000) square feet.
[Amended 5/21/05]
 - b. Minimum Lot Area per Dwelling Unit *[Amended 5/21/05]*
 - 1) One-family dwelling or modular home – Forty thousand (40,000) square feet per unit
 - 2) Duplex – Twenty thousand (20,000) square feet per unit.
 - 3) Multi-Family Dwelling - Forty thousand (40,000) square feet for the first two units on the lot plus an additional fifteen thousand (15,000) square feet per each additional dwelling unit on the lot.
 - c. The minimum lot frontage shall be one hundred (100) feet. *[Amended 5/21/05]*
 - d. The minimum building setbacks shall be as follows:
 - 1) Front - 25 feet
 - 2) Side - 10 feet *[Amended 5/21/05]*
 - 3) Rear - 20 feet

The minimum front setback in those village areas where buildings have traditionally been sited closer to the road may be reduced to the average setback of existing principal buildings located within 500 feet and which front on the same road. *[Amended 8/7/07]*
 - e. The maximum building height shall be two and one half (2.5) stories except for barns.
5. Off-street Parking - For each of the principal and conditional uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.
 6. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.
 7. Wireless communication facilities subject to the standards contained herein.
 8. Multi-Family Dwellings - Multi-family dwellings shall also meet the standards of Article 9, Section W. *[Adopted 5/21/05]*

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ARTICLE 4 - DISTRICT REGULATIONS

B. Mobile Home Park Overlay District (MHOD) [Adopted 5/21/05]

1. Intent. To allow mobile home parks to be developed in a number of environmentally suitable locations within the town.
2. Applicability – Properties in the Mobile Home Park Overlay District shall continue to be governed by the regulations applicable in the underlying zoning district, except as specifically modified by this Section.
3. Permitted Uses
 - a. Type 1 manufactured housing units in Mobile Home Parks
 - b. Uses allowed in the underlying zoning district
4. Space and Bulk Requirements – Mobile home parks shall meet the standards in Article 9, Section K.2, Mobile Home Parks.

C. Rural District (R)

1. Intent: The Town of Raymond has historically been a rural Town. It is the intent of this Ordinance to protect and preserve appropriate areas of Town from urban sprawl by designating uses and standards that are appropriate to a rural character.
2. Permitted Uses
 - a. One-family dwelling to include modular Manufactured Homes (Type 1 and 2 manufactured homes)
 - b. Church
 - c. Public buildings and facilities
 - d. Agriculture including commercial poultry and piggery operations that conform to Article 9 of this Ordinance.
 - e. Accessory uses and buildings
 - f. Home occupations that conform to the requirements of Article 9, Section B. A home occupation which conforms to Article 9, Section B and which is specifically permitted by Article 12 of this Ordinance shall be considered a permitted use.
 - g. Bed and breakfast inn not to exceed five (5) rental rooms and not to serve alcohol.
 - h. Boarding homes not to exceed five (5) rentable rooms excluding family living space.
 - i. Public utility and communication facilities.

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ARTICLE 4 - DISTRICT REGULATIONS

3. Conditional Uses

- a. Cemeteries
- b. Mineral extraction that conforms to Article 9, Section E of this Ordinance.
- c. Public and quasi-public recreation buildings and facilities
- d. Neighborhood grocery store not to exceed one thousand (1,000) square feet of retail space including storage.
- e. Contractors, not having more than five (5) vehicles and pieces of equipment that are not screened from view from the surrounding property and street. When a piece of equipment is located on a trailer or truck, the combination shall be considered a vehicle and an additional piece of equipment. *[Adopted 5/21/88]*

4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements subject to modification under Article 8, Section B: *[Adopted 5/16/87]*

- a. The minimum lot area shall be three (3) acres;
- b. The minimum lot frontage shall be two hundred twenty five (225) feet;
- c. The minimum building setbacks shall be as follows:

- 1) Front - 40 feet
- 2) Side - 20 feet
- 3) Rear - 20 feet

- d. The maximum building height shall be two and one-half (2.5) stories except for barns and poultry houses.

5. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.

6. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.

7. Wireless Communication Facilities - subject to the standards contained herein.

D. Rural Residential District (RR)

- 1. Intent: The Town of Raymond recognizes that certain areas of Town will experience residential growth due to rapid population growth in the region.

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ARTICLE 4 - DISTRICT REGULATIONS

It is the intent of this Ordinance to allow these uses while maintaining the basic rural orientation of the community.

2. Permitted Uses

- a. One-family dwelling to include Manufactured Homes (Type 1 and 2 manufactured homes)
- b. Church.
- c. Schools.
- d. Public buildings and facilities.
- e. Agriculture excluding commercial poultry and piggery operations.
- f. Accessory uses and buildings.
- g. Home occupations that conform to the requirements of Article 9, Section B. A home occupation which conforms to Article 9, Section B and which is specifically permitted by Article 12 of this Ordinance shall be considered a permitted use.
- h. Bed and breakfast inn not to exceed five (5) rentable rooms and not to serve alcohol.
- i. Boarding home not to exceed five (5) rentable rooms excluding family living space.
- j. Public utility and communication facilities.

3. Conditional Uses

- a. Nursing home.
- b. Neighborhood Grocery Store not to exceed one thousand (1,000) square feet of retail space including storage.
- c. Cemeteries.
- d. Funeral parlors.
- e. Medical arts buildings.
- f. Mineral extraction that conforms to Article 9, Section E of this Ordinance.
- g. Public and quasi-public recreation buildings and facilities.
- h. Contractors, not having more than five (5) vehicles and pieces of equipment that are not screened from view from the surrounding property and street. When a piece of equipment is located on a trailer or truck, the combination shall be considered a vehicle and an additional piece of equipment. *[Adopted 5/21/88]*

4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements subject to modification under Article 13, Section B:

- a. The minimum lot area shall be two (2) acres.

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- b. The minimum lot frontage shall be two hundred twenty five (225) feet;
- c. The minimum building setbacks shall be as follows:
 - 1) Front - 30 feet
 - 2) Side - 20 feet
 - 3) Rear - 20 feet
- 5. The maximum building height shall be two and one-half (2.5) stories except for barns.
- 6. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.
- 7. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.

E. Shoreland District

A description of the Shoreland districts and Shoreland zoning provisions related to these districts are located in a separate, freestanding portion of this Ordinance.

F. Commercial District (C)

- 1. Intent: The Commercial District is intended to serve as the downtown of Raymond and to provide general retail, wholesale, service, and business facilities in an area convenient to the residents of the Town. This district should efficiently utilize space and resources and provide for connectivity among and between businesses in a manner that looks and functions as a linear village with lively year-round business and inviting and safe pedestrian spaces and walkways. Route 302, the roadway through this commercial village, is intended to function as a transportation corridor that moves traffic safely and efficiently through the region while also serving as a safe and easy-to-navigate local link between the various sections of the commercial village. Site design, landscaping, screening, building placement, and building design in this district should result in a visually pleasing and cohesive village-like atmosphere. Toward the achievement of these purposes, the following minimum standards are established:
[Amended 06/02/09]
- 2. Permitted Uses:

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- a. Retail businesses and service establishments, including warehousing and wholesale distribution related thereto;
 - b. Recreational facilities such as racquetball or tennis centers but excluding amusement parks as defined herein;
 - c. Auto repair facilities excluding auto body repair;
 - d. Business and professional offices;
 - e. Restaurants and drive in stands;
 - f. Hotels, motels, and inns;
 - g. Mixed-use buildings provided the upper floor contains only commercial uses. The upper floors may contain dwelling units or commercial uses. As used in this subparagraph (h), the term "commercial uses" means any of the uses listed in subparagraphs (a) through (f) above. *[Amended 06/02/09]*
3. Conditional Uses: Outdoor sales and service.
4. Space and Bulk Regulations *[Amended 06/02/09]* - The following space and bulk regulations are established as minimum standards for mixed use and commercial buildings:
- a. There shall be no minimum lot area except that the lot shall meet the provisions of Maine Revised Statute Title 12, Chapter 423-A: MINIMUM LOT SIZE; *[Amended 06/02/09]*
 - b. There shall be no minimum street frontage;
 - c. There shall be no minimum front yard setback. If the lot is a corner lot, the street most heavily traveled shall be considered the street upon which the lot fronts. There shall be no side street setback. *[Amended 06/03/14]*
 - d. Where a lot in this district abuts a residential district, the commercial use shall provide and maintain a twenty-five (25) foot landscaped buffer strip and visual screening from the abutting residential district boundary. Existing commercial uses shall meet this requirement by June 1, 1990. New commercial uses shall meet this requirement within nine (9) months for the first commercial use of the lot; *[Adopted 5/21/88]*
 - e. There shall be no minimum side yard setback;
 - f. There shall be no minimum rear yard setback;
 - g. The maximum building height shall be two and one-half (2.5) stories except that the maximum building height shall be three (3) stories for buildings which are located on the eastern side of Route 302.

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5. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, Section C.
6. Signs - Signs shall be permitted in accordance with the provisions of Article 9, Section L.

G. Industrial District (I)

1. Purpose: To provide for the creation of appropriate districts within the Town of Raymond for industrial facilities, in accordance with the following requirements:
2. Permitted Uses:
 - a. Any industrial structure or use, as defined in this Ordinance, which meets all of the following criteria:
 - 1) Primary aspects of the industrial process are carried on within the structure;
 - 2) The noise level of the industrial process does not exceed 50 decibels at any property line; and
 - 3) There are no land, water or air waste discharges or emissions other than sanitary facilities, which met the requirements of the State's wastewater disposal rules.
 - b. Warehousing and outdoor storage;
 - c. Distribution and transportation;
 - d. Research laboratories;
 - e. Retail facilities and services accessory to principal uses.
3. Conditional Uses:
 - a. Automobile graveyards, automobile recycling businesses and junkyards conforming with Title 30-A, Sections 3751 – 3760 and all state or local regulations;
 - b. Public utility facilities.
4. Location - An industrial district may be created for any land within the Town, except within the Shoreland District, upon application to the Planning Board by an applicant for a specific industrial use thereof upon a showing by the applicant to the satisfaction of the Planning Board under the procedures set forth in this Article 4, Section G., that the proposed industrial use and its location satisfy the requirement set forth below.

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Following a review of the application, the Planning Board shall recommend to the Town Meeting whether or not the proposed industrial district and use should be approved.

- a. The proposed use will not result in undue water, noise, or air pollution.
 - b. The proposed location consists of soil types, which are suitable to the construction, and industrial use proposed and will not be subjected to unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
 - c. The proposed location and use will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
 - d. The proposed use will be compatible with the existing uses of any improved land abutting the proposed location and with any identifiable predominant character of surrounding improved lands;
 - e. The proposed location and use meets all of the requirements and procedures for site plan review set forth in Article 10 of this Ordinance.
5. Procedure for Creation - The creation of any industrial district shall be in accordance with the following procedure:
- a. Application for creation of an industrial district shall be made to the Planning Board. The Planning Board shall hold a public hearing thereon and post a notice of the proposed creation of the industrial district in the municipal office at least 13 days before the public hearing. The notice must be published at least 2 times in a newspaper that complies with M.R.S.A. Title 1, section 601 and that has a general circulation in the Town. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.
 - b. For each parcel within the municipality that is in or abutting the portion of the Town affected by the proposed amendment, a notice shall be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The notice must contain a copy of a map indicating the portion of

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the Town affected by the proposed amendment. The Board of Selectmen shall prepare and file with the Town Clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

[Amended 8/7/07]

- c. Within thirty (30) days following such public hearing, the Planning Board shall submit to the Board of Selectmen and to the applicant its findings and recommendations with respect to the creation of the proposed industrial district, including its recommendations with respect to space and bulk regulations and any conditions which it deems necessary in order to assure that the proposed industrial use will satisfy the requirements set forth in Section 3, above;
 - d. A Town Meeting shall be held not less than fifteen (15) days following the date of such recommendations to see if the Town will vote to create the industrial district proposed upon such conditions as the Planning Board may recommend. If the Planning Board recommends that such industrial district not be created, the Town Meeting may create the same only by a favorable two-thirds (2/3) vote;
 - e. In the event that the Town Meeting does create the proposed industrial district, the Land Use Regulation Map shall be amended in accordance with the provisions of Article 2, Section B.1, to show such district.
6. Minimum Standards - There shall be no minimum lot area or minimum street frontage required in any industrial district. Setbacks, provision for visual screening and maximum building heights shall be as provided in the Commercial District, and the minimum standards established under Article 9 of the Ordinance shall be applicable, unless the Planning Board recommends more restrictive or additional requirements in order to assure compliance with the conditions set forth in Section 3, above.
7. Change in Use - Following the creation of any industrial district, the use of such district shall not be changed until the applicant, for any change in use, shall apply therefore to the Planning Board and the Planning Board shall find that the proposed change is consistent with the provisions and requirements of this Article 9, Section G., with such reasonable conditions as the Planning Board may impose in order to assure compliance with the requirements set forth in Section 3, above. Consistent with this requirement, the Planning Board may permit a change in use to any

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Principal Use permitted in the Commercial District, excepting one-family dwellings.

8. Where a lot in this district abuts a residential district, the industrial/commercial use shall provide and maintain a fifty (50) foot landscaped buffer strip and visual screening from the abutting residential district boundary. Existing industrial/commercial uses shall meet this requirement by June 1, 1990. New industrial/commercial uses shall meet this requirement within nine (9) months of the first industrial/commercial use of the lot. *[Adopted 5/21/88]*

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ARTICLE 5 – ADMINISTRATION

ARTICLE 5 - ADMINISTRATION

A. Officials

The provisions of this Ordinance shall be administered and enforced by the Code Enforcement Officer and the Building Inspector, who shall both be appointed by the Board of Selectmen and be given free access at reasonable hours to all parts of structures and land regulated by this Ordinance. The Code Enforcement Officer of the Town of Raymond shall serve as the building official as defined in 25 M.R.S.A. § 2351 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board. *[Adopted 6/5/12]*

B. Building Permit Required

It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued in conformity with this Ordinance. The provisions of this Ordinance shall apply to new construction, alterations, additions, relocation, replacement of any building or part thereof, and to any work designed to convert a seasonal dwelling to a permanent, year-round dwelling as provided in Article 8, Section E. The Town of Raymond applies and enforces the Maine Uniform Building and Energy Code (“M.U.B.E.C.”), as required by 10 M.R.S.A. § 9724. Administration and enforcement of M.U.B.E.C., including fees, permits, certificates of occupancy, violations, penalties and appeals, shall be in accordance with this Ordinance and pursuant to 30-A MRSA § 4452. *[Adopted 5/21/98, Amended 6/5/12]*

C. Application for Building Permit

Any application for a building permit shall be submitted to the Building Inspector on forms specified by the Building Inspector, together with a fee as established and revised from time to time, by the Board of Selectmen; the application shall then be filed with the Board of Assessors. The building permit fee shall be twice the amount established by the Board of Selectmen for any new outside construction or addition, or for any alterations or renovations having a completed value of not less than \$2,000.00, if such work is begun without a permit. The application shall require such information as the Building Inspector may require in order to determine whether the proposed use is in full compliance with the provisions of this Ordinance, including, without limitation, the number and location of buildings already on the lot, building setback requirements, and the suitability of soils and bedrock structure. No building permit shall be issued for construction of a dwelling within any subdivision unless the subdivision road, power, drainage improvements and any other site improvements required by the Planning Board approval have been completed or their completion is covered by a currently effective performance bond. No building permit shall be issued for any proposed development

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including, in the Shorelands District, any alteration or penetration of the surface of the ground, until the applicant demonstrates to the Building Inspector that all other applicable federal, state, and local permits have been issued.

D. Permits Issued by Building Inspector

The Building Inspector shall approve or deny those applications on which the Building Inspector is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use be in conformance with the provisions of this Ordinance.

1. No building permit shall be issued until the Road Commissioner or the Maine Department of Transportation has issued a driveway permit. *[Adopted 5/20/89]*
2. A building permit issued under the provisions of the Ordinance shall become void if work has not commenced within 12 months of the date of approval and shall expire 2 years from the date of issue. A building permit may be renewed once for a one (1) year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued. *[Adopted 6/5/12]*
3. A fee for each plan examination, building permit and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen. Each building permit application shall indicate what fee was charged. All fees shall be collected by the Town Clerk of the Town of Raymond. *[Adopted 6/5/12]*
4. In the case of a revocation of a permit or abandonment or discontinuance of a building project any permit fees already paid shall be non-refundable. *[Adopted 6/5/12]*
5. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as prescribed by this Ordinance and pursuant to 30-A MRSA § 4452. *[Adopted 6/5/12]*

E. Residential Growth Management *[Adopted 8/20/06, Repealed 06/03/14]*

[RESERVED]

F. Certificate of Occupancy Required

In each instance (1) in which different use of a building, structure or land is proposed, or (2) following erection, alteration, repair, enlargement or relocation of a building or structure, a Certificate of Occupancy shall be required prior to occupancy and use

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pursuant to the requirements in the Maine Uniform Building and Energy Code. Neither the owner, nor the person to whom a building permit has been issued, shall permit any building, structure, or land for which a Certificate of Occupancy is hereby required to be used or occupied until the Building Inspector has issued a Certificate of Occupancy therefore. A Certificate of Occupancy shall not be issued until the Building Inspector determines that the building, structure, or land use has been completed in accordance with this Ordinance and any conditions imposed under this Ordinance. The Building Inspector may issue a temporary use permit, valid for periods not exceeding six (6) months, during erection, alteration, repair, or enlargement of a building or structure. A fee for each plan examination, certificate of occupancy and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen.

G. One Principal Building on a Lot

Except for Open Space Subdivisions as provided in Article 13, there shall be no more than one principal building and its accessory buildings erected on any one site. Garages are considered accessory buildings.

H. Nuisances

1. Any violation of this Ordinance shall be deemed to be a nuisance;
2. Any unlicensed automobile graveyard, automobile recycling business or junkyard is specifically deemed a nuisance. If an existing automobile graveyard, automobile recycling business or junkyard can meet licensing requirements and is in the Industrial Zone, it may continue. If an existing automobile graveyard, automobile recycling business or junkyard is unlicensed and is not in the Industrial Zone, it must be abated within one year of the passage of these amendments.
3. In addition, any lot or part thereof meeting the definition of Automobile Storage Lot, but exceeding the maximum number of vehicles specified in the definition, or meeting the definition of Storage Lot, but exceeding the maximum area specified in the definition, is specifically deemed a nuisance. The lot or part thereof must be brought into conformance within six months of the passage of these amendments.
[Amended 3/17/01]
4. No owner or occupant of land in any district shall permit fire ruins or other ruins to be left, but within one year from the date of the disaster shall remove, repair, rebuild, or replace the structure. Nothing in this section shall prohibit the Town from considering the ruins to be a dangerous building or a nuisance, as provided by law.

I. Code Enforcement Officer

If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify, in writing, the person responsible for

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such violation indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.

J. Legal Action

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

K. Fines

Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.

L. Flood Plain Area Development

With respect to application for building permits for any development within Zone A and Zones A1-A30 as shown upon the Flood Insurance Rate Map, the Building Inspector shall:

1. Obtain data identifying the elevations of the land, of the lowest floor of any structure, including the basement, and of the top of any floodproofing, in relation to the elevation of the 100-year flood upon said land;
2. Utilize the 100-year flood data provided by the Federal Emergency Management Administration, where available, and otherwise obtain, review and reasonably utilize any other elevation data for the 100-year flood available from federal, state, or other sources; and
3. Maintain, as a separate, permanent record, copies of all permits issued for development in Zone A and Zones A1-A30 as shown on the Flood Insurance Rate Map, all data relevant thereto and all decisions of the Board of Appeals upon variances granted in connection with such permits.

M. Lot Surveys

Newly created lots, and changes in lot lines, shall be undertaken by a licensed surveyor and a copy of the survey plan shall be furnished to the Code Enforcement Officer.

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ARTICLE 6 – BOARD OF APPEALS

ARTICLE 6 - BOARD OF APPEALS

A. Appointment and Composition

The Board of Appeals shall consist of five (5) members and one (1) alternate member, all of whom shall be residents of the Town of Raymond. The present members of the Board of Appeals shall continue to hold their office until their present term of office expires. Thereafter, the Board of Selectmen shall appoint members for a three (3) year term and in the event of a vacancy, shall fill the term for the unexpired portion thereof. The alternate member shall be appointed for a term of three (3) years and shall act on said Board in place of any member who may be unable to act due to interest, absence or physical incapacity. The Board shall annually elect from their membership a Chairman to preside at all meetings of the Board. A secretary shall provide for the keeping of the minutes of the proceedings of the Board of Appeals. All minutes of the Board shall be public record. In addition, the following statutes shall apply:

1. A municipal officer or their spouse shall not be a member of the Board;
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereof shall be decided by a majority vote of the members except the member who is being challenged;
3. A member of the Board may be dismissed for cause by the municipal officers before the expiration of his term.

B. Powers and Duties

1. The Board of Appeals shall have the following authority:
 - a. Subject to the provisions of this Ordinance, to hear and decide appeals, on a de novo basis, from orders, decisions, determinations or interpretations made by the Code Enforcement Officer or the Building Inspector. *[Amended 8/7/07, and 6/7/16]*
 - b. Subject to the provisions of this Ordinance, to hear and grant or deny applications for variances from the terms of the Land Use Ordinance. A variance may be granted for lot areas, lot coverage by structure, and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited, except for non-conforming uses, structures and lots as described in Subsection d. below. A variance can only be granted where undue hardship is proven. Undue hardship is defined to mean:
 - 1) That the land in question cannot yield a reasonable return unless the variance is granted;

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- 2) That the need for a variance is because of unique circumstances of the property (such as location of existing structures, topographical features, etc.) and not to the general conditions of the neighborhood;
 - 3) That the granting of a variance will not change the essential character of the locality;
 - 4) That the hardship is not the result of action taken by the applicant or a prior owner;
 - 5) Permitted variances run with the land and thus pass from one owner of a property to the next.
- c. To grant a set-back variance for a single family dwelling only when strict application of the Land Use Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means~~[Amended 6/7/16]~~:
- 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;
 - 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 applicant. 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]~~
- d. To hear and grant or deny applications for conditional use permits as specified within this Ordinance. In granting permits under this section, the Board of Appeals may impose such conditions, as it deems necessary in furtherance of the intent and purpose of this Ordinance. Conditional use permits run with the land and thus pass from one owner of a property to the next;
- e. To vary the provisions of non-conforming lots, non-conforming structures and non-conforming uses of structures and non-conforming uses of land, but only in accordance with the provisions specified in Article 3 of this Ordinance.
- f. The board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to Superior Court. ~~[Amended 6/7/16]~~

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ARTICLE 6 – BOARD OF APPEALS

2. In hearing appeals under this section, the Board of Appeals shall require that attention be given to the following, wherever applicable:
 - a. Location, character and natural features;
 - b. Fencing and screening;
 - c. Landscaping, topography and natural drainage;
 - d. Vehicular access, circulation and parking;
 - e. Pedestrian circulation;
 - f. Signs and lighting;
 - g. All factors which affect health, welfare and safety;
 - h. Such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.
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.

C. Appeals Procedure

1. The Board of Appeals shall meet as needed on the last Monday of the month. A quorum of the Board is necessary to conduct an official Board meeting shall consist of at least three (3) members. A majority vote of the quorum is required for the passage or denial of any appeal.
2. The secretary shall record a permanent record of all Board meetings. All meeting minutes, and all correspondence of the Board shall be maintained in the Town Office.

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. 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, upon all the material issued of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of all decisions shall be mailed or hand-delivered to the applicant, or his or her representative or agent.

3. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At that time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. *[Amended 6/7/16]*

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4. For all appeals, the Board shall hold a public hearing as prescribed herein. At least seven (7) days before the hearing, the Code Enforcement Officer shall notify, by mail, the owners of properties abutting the property for which the appeal or application is made. Failure to receive this notice shall not invalidate the proceedings herein prescribed. The owners of properties shall be considered to be the parties listed by the Assessor as those against whom those taxes are assessed. Notice of the hearing shall also be placed at least twice in a newspaper of general circulation at least seven (7) days prior to the hearing.

The Code Enforcement Officer shall attend all hearings and shall present to the Board all plans, photographs, or other factual materials, which are appropriate to an understanding of the case.

5. Any person and any municipal official or board of officials aggrieved by a decision of the Code Enforcement Officer or who wishes to request a variance from the Land Use Ordinance or who wishes a Conditional Use Permit may file an application with the Board of Appeals. An appeal of a decision made by the Code Enforcement Officer must be filed within thirty (30) days of the date of the decision.

Application materials submitted to the Board must include a completed application form, including a location and site plan if appropriate, and the following fees: *[Amended 06/03/2014]*

- (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.
- (2) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the appeal, variance, or conditional use permit application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the applicant shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the applicant and not spent by the Town in the course of its review shall be returned to the applicant

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within sixty (60) days after the Appeals Board renders its final decision on the application.

All application materials must be submitted for the Board's review at least thirty (30) days prior to the Board meeting at which the applicant wishes to be heard. All meetings of the Board of Appeals are public hearings. At the public hearing, the applicant or the applicant's representative must appear before the board to present the proposal and to answer questions. Other interested parties, such as adjacent property owners, will also be permitted to speak for or against the appeal.

Written notice of the decision of the Board shall be sent to the appellant within sixteen (16) days of the date of the decision. Any aggrieved party may appeal from the decision of the Board to the Superior Court within forty-five (45) days of the date of the vote on the original decision. *[Amended 6/7/16]*

6. The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision.. The Board may conduct additional hearings and receive additional evidence and testimony. *[Amended 6/7/16]*
7. After a decision has been made by the Board of Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year has elapsed from the date of said decision, except that the Board may entertain a new appeal if the Board believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or it finds that a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal. *[Amended 6/7/16]*
8. The right of any variance from the terms of this Ordinance granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six (6) months or substantially completed within one (1) year as of the date of the vote by the Board. For the purposes of this subsection, substantial completion means the outside of the structure must be complete. *[Amended 5/18/91]*

D. Reductions from minimum setbacks

The Board of Appeals may grant reductions from the minimum setback requirements set forth in Article 4 of this Ordinance 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 this Ordinance.

2. Setback reduction appeals may only be granted and are only available for 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 this Ordinance.
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:

VR Zone	
Front yard	12 ½ feet
Side yard	10 feet *
Rear yard	10 feet *
R Zone	
Front yard	20 feet
Side yard	10 feet
Rear yard	10 feet
RR Zone	
Front yard	15 feet
Side yard	10 feet
Rear yard	10 feet

(*) See ordinance. *[Adopted 3/18/00] [Amended 5/21/05]*

E. Setbacks for ADA-Required Ramps

The Code Enforcement Officer may approve the installation of an ADA-required ramp in a required setback if he/she determines that there is no reasonable alternative that will allow the ramp to conform to the required setback.

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ARTICLE 7 - AMENDMENTS

ARTICLE 7 - AMENDMENTS

A. Authority

The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented or repealed in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Shoreland Zoning Amendments

The Maine Department of Environmental Protection shall be notified by Certified Mail, of amendments affecting the Shoreland District prior to the effective date of such amendments. A file of return receipts from such mailing shall be maintained as a permanent record.

C. Procedure

Proposed amendments to this Land Use Ordinance shall be acted upon in the following manner:

1. Proposed amendments shall be submitted to the Planning Board for their consideration. The Planning Board shall hold a Public Hearing and post a notice of the proposed ordinance amendment(s) and hearing in the municipal office at least 14 days before the public hearing. The notice must be published at least 2 times in a newspaper that complies with M.R.S.A. Title 1, section 601 and that has a general circulation in the Town. The date of the first publication must be at least 14 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

Amendments to the Land Use Ordinance or zoning map that, within a geographically specific portion of the Town, have the effect of either prohibiting all industrial, commercial or retail uses where any of these uses is permitted or permitting any industrial, commercial or retail uses where any of these uses is prohibited shall require that notice be given to the owner(s) of each parcel that is in or abutting the portion of the Town affected by the proposed amendment. The notice shall be mailed by first class mail at least 14 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The notice must contain a copy of a map indicating the portion of the Town affected by the proposed amendment. The Board of Selectmen shall prepare and file with the Town Clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what

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ARTICLE 7 - AMENDMENTS

location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. *[Amended 8/7/07]*

2. Prior to the Town Meeting at which the proposed amendment is to be acted upon, the Planning Board shall submit its official report. Failure of the Planning Board to submit a report shall constitute approval.
3. A Town Meeting shall be held not less than fifteen (15) days after the date of the Public Hearing. If the Planning Board recommends that such amendment(s) not be enacted, the Town Meeting may adopt the same only by a favorable two-thirds (2/3) vote. *[Amended 8/7/07]*

D. Conditional Rezoning

Pursuant to 30-A M.R.S.A. §4352(8), a conditional rezoning may be approved using the procedure described in section VII.C, above. Conditional rezoning is authorized where the Town finds it necessary and appropriate to impose, by agreement with the property owner, certain conditions and restrictions not generally applicable to other properties similarly zoned.

A proposal for conditional zoning shall contain, in addition to the requirements for other amendments, a written statement of the conditions regarding the use of the subject property, which the proponent requests are imposed. Such rezoning shall be approved only if:

1. The change is consistent with the Comprehensive Plan.
2. The change establishes rezoned areas, which are consistent with the existing and permitted uses within the original district.
3. All conditions and restrictions imposed relate only to the physical development or operation of the property and may include, by way of example:
 - a. Limitations on the number and types of uses permitted;
 - b. Restrictions on the scale and density of development;
 - c. Specifications for the design and layout of the buildings and other improvements;
 - d. Schedules for the commencement and completion of improvements;
 - e. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
 - f. Preservation of open space and buffers, and protection of natural areas and historic sites;
 - g. Contributions toward the provisions of municipal services required by the development; and
 - h. Provisions for enforcement and remedies for breach of any condition or restriction, which may include, by way of example:

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- 1) Provisions that violation of any conditions shall constitute a violation of the Ordinance.
 - 2) Statements that the conditions shall bind the owners, its successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the Town.
 - 3) Provisions requiring the owner at his expense to record in the Cumberland County Registry of Deeds a copy of the conditions and any required site plans within thirty (30) days following final approval of the petition by the Town and that the form of the recording be in a form satisfactory to the Town.
 - 4) Statement indicating that the conditions shall run with the land.
4. The owner of the property rezoned has agreed in writing to the conditions imposed.

Any rezoning approved by the Town conditionally shall be of no force or effect if the owner of the property fails or refuses to comply with the conditions imposed. In that event, any use of the property and any buildings and structures developed pursuant to the conditional rezoning shall be brought into compliance with all applicable provisions of the Ordinance. *[Adopted 3/18/00]*

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A. Net Residential Area Calculation

The Net Residential area on a parcel or tract of land shall be determined by deducting from the total acreage all areas that are considered unbuildable or unsuitable for development as follows:

1. Total acreage that is used for street and sidewalk rights-of-way;
2. Portions of the parcel containing slopes over thirty-five (35) percent;
3. Portion of the parcel shown to be within the 100-year floodplain and floodway as designated on Federal Emergency Management Agency (FEMA) maps;
4. Portions of the parcel located in the Resource Protection District;
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to;
 - a. Water table at or near the surface for all or part of the year;
 - b. Unstable soils such as Sebago mucky peat.
6. Portions of the parcel covered by surface waterbodies.

Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in a minimum size lot if the entire tract were developed as a traditional subdivision. *[Adopted 9/26/87] [Amended 8/7/07]*

B. Net Residential Density Calculation

The total number of lots or dwelling units allowed on a tract or parcel of land shall be determined by dividing the area remaining after Net Residential Area deductions are made by the minimum lot size for the zoning district where the parcel or tract of land is located. The number shall be rounded down to the nearest whole number. *[Amended 8/7/07]*

Notwithstanding the above, if a lot, or a portion of a lot, was a lot of record prior to June 1, 2010, and as such that lot, or a portion of that lot, was rezoned from Limited Residential/Recreation District (LRR1) to Rural District (R), it shall be determined that the landowner(s) of record prior to June 1, 2010 shall maintain the lot area standards set forth in the LRR1 District as they existed prior to June 1, 2010, so long as the owner retains or divides the lot under the allowed subdivision exemptions standards as defined under Title 30-A Section 4401 of the Maine Revised Statutes Amended. A decision regarding whether the land was located within the LRR1 District prior to the June 1, 2010 amendment may be determined by the Code Enforcement Officer. *[Amended June 4, 2013]*

If there is a discrepancy regarding the zone boundary, or the existence of the lot prior to June 1, 2010 by the CEO, the CEO may request a plan prepared by a licensed surveyor

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that demonstrates that the land in question was within the LRR1 District prior to being rezoned on June 1, 2010.

At a minimum, the survey plan shall include:

- 1) All streams, as defined in the Raymond Shoreland Ordinance;
- 2) And all land areas within 10 feet, horizontal distance, of the normal highwater line of a stream.

Any further transference or creation of lots on the affect lots, meeting the definition of subdivision after June 1, 2010, must meet all the minimum standards of the Rural District. *[Amended June 4, 2013]*

C. Waivers

Unless otherwise specifically indicated, the Planning Board may grant waivers from the performance standards contained in Article 9, Sections C, D, J, L, T, and W, Article 10, and Article 13. In granting any waivers, the Planning Board shall make findings that:

1. The need for a waiver is based on unique circumstances relating to the specific site and development application and that these conditions would not be expected to be encountered elsewhere;
2. The application of the standards is not requisite to public health, safety, and general welfare;
3. The waiver would not qualify for relief granted by the Board of Appeals under Article 3 or Article 6;
4. The granting of the waiver in other situations would not have the effect of amending the ordinance requirements; and,
5. Appropriate conditions are applied *[Amended 8/7/07]*

D. Seasonal Dwelling Conversions

1. The conversion of any seasonal dwelling located within the Shoreland District to a year-round dwelling shall be permitted only upon the issuance of a conversion permit and otherwise in accordance with the provisions of Title 30, 3223, 3 & 4, M.R.S.A. No building permit shall be issued for work designed to convert a seasonal dwelling located elsewhere within the Town to a permanent dwelling suitable for year-round habitation, such as insulation, installation of a heating system, or provision of a sewage disposal system or a year-round water supply, unless the structure, its facilities and the lot upon which they are located, as modified by the work proposed, will conform in all respects with the provisions of this Ordinance for the construction of a new, permanent dwelling in that location in effect at the time application for such building permit is made.
2. No dwelling or structure shall be converted from seasonal to year round use that is located within two hundred fifty (250) feet of the high water mark of any lake,

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pond, river, stream, or body of water more than one acre in size, including abutting wetlands, until the owner shall prove that the subsurface disposal system is located at least one hundred (100) feet from the high water mark of that water body and was legally installed after July, 1974, or a performance bond equal to the estimated cost of the system shall be posted to insure that the new subsurface disposal system will be installed at least one hundred (100) feet from the high water mark, prior to completion or occupancy of the building. Any existing bedrooms or other rooms that could be used as bedrooms that may have been added or will be added must be calculated as bedrooms for septic system design. Any increase in the number of bedrooms or potential bedrooms above the original subsurface disposal system design shall mandate the installation of a new or expanded subsurface disposal system. *[Adopted 5/20/89]*

3. No expansion (including decks) for seasonal conversion shall be granted which reduces the required water setbacks of this Ordinance. Nor shall any seasonal conversion be granted if an expansion (including decks) has been done which reduces the required water setbacks after the effective date of this amendment. This section shall not be subject to variance. *[Adopted 5/20/89]*

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A. Conditional Uses

The Board of Appeals shall approve, deny, or approve with conditions all applications for a conditional use permit. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Board of Appeals 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 not depart from the general purpose and intent of the Ordinance, nor from the Town's Comprehensive Plan;
2. Will be compatible with permitted uses within the zone as determined by population; density; design; scale and bulk of any proposed new structures; and intensity of use;
3. Will not generate noise, vibrations, fumes, odors, dust, or glare which are detectable at the lot boundaries, and all aspects of the conditional use will be carried on within the structure;
4. Will not cause water pollution, sedimentation, erosion, contaminate any water supply, nor reduce the capacity of the land to hold water, so that a dangerous or unhealthy condition may result;
5. Will not adversely impact any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places;
6. Will not deny light and air to surrounding properties;
7. Will not depreciate the economic value of surrounding properties;
8. Will have sufficient potable water available for its needs;
9. Will not create a hazard to either pedestrian or vehicular traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and also vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;
10. Will not overburden police, fire and rescue services, as determined by response time, accessibility to the site of the proposed use, and numbers and types of emergency personnel and equipment presently serving the community.

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B. Home Occupation Standards

1. The Home Occupation shall be carried on wholly within the dwelling or accessory structure.
2. The Home Occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.
3. There shall be no exterior display, no exterior sign except as expressly permitted by District regulations of this Ordinance, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted.
5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off- street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operation hours.
6. The home occupation shall not utilize more than twenty (20) percent of the total floor area of the dwelling unit. The basement floor area shall be excluded in the calculation of the twenty (20) percent.

C. Off-Street Parking

1. In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street automobile parking space, in accordance with the following parking requirements.
[Amended 06/02/09]
 - a. Two (2) spaces per dwelling unit.
 - b. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
 - c. One (1) space for each tent or recreational vehicle site in a campground.
 - d. One (1) space for each two (2) beds in a hospital or sanitarium.

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- e. One (1) space for each four (4) beds in other institutions devoted to the board, care, or treatment of persons.
 - f. One (1) space for each two hundred (200) square feet or fraction thereof, of gross floor area of any retail, wholesale, or service establishment or office or professional building. Except that the ratio may be changed to one (1) space for each two hundred fifty (250) square feet or fraction thereof if an amount of land area equivalent to the difference between the two hundred (200) square foot requirement and the two hundred fifty (250) square foot requirement is developed in landscaped green area and reserved for future parking. *[Amended 06//02/09]*
 - g. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums, and other places of amusements or assembly.
 - h. One (1) space for each 1.2 employees based on the highest expected average occupancy for all types of commercial, industrial, or other permitted uses. *[Amended 06/02/09]*
 - i. For any structure or use not specifically enumerated above, the reviewing authority shall determine the number of off-street parking spaces required to accommodate customers, patrons, and employees based on a parking analysis submitted by the applicant. *[Amended 06/02/09]*
- 2. Where several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses. *[Adopted 06/02/09]*
 - 3. The parking requirement may be met on site or off site so long as it is within (300) feet of the principal building, structure, or use of the premises and is not separated by Route 302 (Roosevelt Trail). Off-site parking shall be permissible provided evidence of the legal right to use the parking spaces for the duration of the use is submitted and that the sharing of the spaces will not create a shortage of parking spaces for any uses. Such shared parking arrangements shall consider the typical hours of operation of the uses, seasonal fluctuations, the amount of parking needed for customers versus employees, and any other relevant factors for calculating the amount of parking needed. *[Adopted 06/02/09]*
 - 4. In all Districts, the reviewing authority may allow a reduction in the number of spaces actually constructed provided the required number of spaces could be constructed on the property while meeting all other space requirements of that District and all applicable standards, including but not limited to Stormwater Quality and Phosphorous Control. The applicant must demonstrate that the additional spaces are not necessary, and the reviewing authority shall attach a condition of approval stating that the reviewing authority may require that the

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spaces be constructed if additional parking is needed to correct a parking problem on the site. *[Adopted 06/02/09]*

5. The minimum width of a parking space shall be nine (9) feet. The minimum length of a parking space shall be eighteen (18) feet. Aisle widths shall comply with those outlined in Article 10 Minimum Standards, Section F. Performance Standards. *[Adopted 06/02/09, Amended 06/03/14]*
6. No off-street parking facility shall have more than two (2) entrances and exits on the same street, and no entrance or exit shall exceed thirty (30) feet in width. Non-residential parking areas with more than two (2) parking spaces shall be so arranged that vehicles can maneuver within such areas and exit onto the street in a forward motion.
7. All Independent Parking Facilities shall meet the requirements of Article 10 Minimum Standards, Section F. Performance Standards. The Planning Board shall not consider any waivers when reviewing an Independent Parking Facility. *[Adopted 06/03/14]*
8. The reviewing authority may require a peer review of the parking analysis. *[Adopted 06/02/09]*

D. Off-Street Loading

1. For those uses where off-street loading is required, the following minimum off-street loading berths shall be provided and maintained in the case of new construction, alterations and changes of uses.

Office buildings and hotels with a gross floor area of more than ten thousand (10,000) square feet but less than forty thousand (40,000) square feet - one bay.

Retail, wholesale, and industrial operations with a gross floor area of more than five thousand (5,000) square feet in accordance with the table below:

5,000 sq. ft. to 40,000 sq. ft.	One bay
40,000 sq. ft. to 100,000 sq. ft.	Two bays
100,000 sq. ft. to 160,000 sq. ft.	Three bays
160,000 sq. ft. to 240,000 sq. ft.	Four bays
240,000 sq. ft. to 320,000 sq. ft.	Five bays
320,000 sq. ft. to 400,000 sq. ft.	Six bays

An additional bay shall be required for each additional ninety thousand (90,000) square feet over four hundred thousand (400,000) square feet.

2. Dimensions. Each loading bay shall have minimum dimensions of fifty (50) feet by fourteen (14) feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be

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located completely off the street. In case of trucks, trailers, or other motor vehicles larger than the dimensions of the minimum-loading bay habitually serving the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.

3. Requirements for Additional Bays and Alterations or Modifications. Any additional loading bays which are provided in excess of the requirements of this Ordinance or any loading bay otherwise established shall meet the requirements of Subsection 2 of this Section, and no alterations or modifications shall be made in an existing building or structure whereby loading openings or platforms are constructed or established unless the provisions of said Section are met.

E. Mineral Extraction

1. Top soil, rock, sand, gravel, and similar earth materials may be removed from locations where permitted under the terms of this Ordinance only after a Conditional Use Permit for such operations has been issued by the Board of Appeals in accordance with the provisions of this Ordinance, and provided that plans for the following provisions shall be specifically illustrated in the application for the Conditional Use.
 - a. Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than one (1) foot vertical to two (2) feet horizontal.
 - b. The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.
 - c. No excavation shall be extended below the grade of adjacent streets unless one hundred (100) feet from the street line or unless provision has been made for reconstruction of the street at a different level.
 - d. Sufficient topsoil or loam shall be retained to cover all areas with a three (3) inch layer so that they may be seeded and a vegetative cover may be restored. The applicant shall provide such seeding and restoration.
 - e. There is at least seventy-five (75) feet between the edge of the digging or quarrying activities and the property lines.
 - f. Dust or other air pollutants are kept to a minimum by appropriate landscaping, paving, oiling, or fencing.
 - g. Appropriate fencing or landscaping is provided to screen the site of digging operations from any public right-of-way and from any dwelling within two hundred fifty (250) feet of the property lines of the excavation site.

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2. A surety bond shall be posted with the Town Clerk by the applicant in an amount found by the Board of Selectmen to be sufficient to guarantee conformity with the provisions of the grant of approval.
3. The plan review by the Planning Board and the Board of Appeals shall take into consideration the following items. The Appeals Board may impose such conditions as necessary to safeguard the health, safety, and welfare of the community.
 - a. Fencing, landscaped buffer strips, public safety.
 - b. Advertising signs, lighting.
 - c. Parking space, loading and unloading areas.
 - d. Entrances and exits.
 - e. Time period for operation.
 - f. Hours of operation.
 - g. Methods of operation.
 - h. Weight and loading limit of trucks.
 - i. Sand and gravel spillage upon public streets.
 - j. Rehabilitation proposals.

F. Waste Material Accumulation

Junk Yards as defined in 30 M.R.S.A., Section 2451 B. shall not be made or maintained in any district except at a dumping place or places designated as such by the Board of Selectmen.

G. Hotels, Motels, Inns, Boarding Houses, Restaurants, Nursing Homes and Hospitals in Residential Districts

In any residential district where lodging places, restaurants, nursing homes or hospitals are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:

1. All setback, frontage, and height requirements of the district shall be met.
2. Where public sewerage is not available, an adequate septic system shall be provided to serve the maximum number of guests or customers who can be accommodated in accordance with the standards of Article 9, Section H of this Ordinance.

H. Subsurface Sewage Disposal Systems

All subsurface sewage disposal systems shall comply with the following regulations:

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1. The design, construction, and operations of all subsurface sewage disposal systems shall be in compliance with the State of Maine Subsurface Disposal Rules, and with the regulations of the Maine Department of Human Services, and shall be subject to periodic inspection by the Plumbing Inspector;
2. Subsurface sewage disposal systems shall be located in those soils that the U.S. Department of Agriculture, Soil Conservation Service, has identified as being suited to subsurface sewage disposal systems.
3. Subsurface sewage disposal systems shall be permitted only after certification by a Registered Engineer or Soil Scientist that on-site inspection has shown the soils to be suited to the type of disposal system to be constructed;
4. If the design specifications of a new or replacement subsurface disposal system calls for loaming and seeding, the loaming and seeding must be completed within nine (9) months of the date of the initial inspection of the system, or the permit will become void and the system shall be considered illegal. Each day a structure or facility connected to such system is used or occupied after this nine (9) month period is a violation of this section and shall be punishable by a penalty of one hundred dollars (\$100) per day. *[Adopted 9/26/87]*
5. The replacement of a privy, alternative toilet or "out house" serving any dwelling or structure within two hundred fifty (250) feet of the high water mark, regardless of the type of water supply, shall meet the requirements of a new system as defined in the Maine State Plumbing Code, except that if a new system cannot be installed a holding tank may be substituted and a restriction shall be recorded in the deed to the property that the use shall remain seasonal. All privies or "out houses" within two hundred fifty (250) feet of the high water mark, serving a dwelling or structure, shall be removed and replaced with an approved subsurface disposal system or approved holding tank within five (5) years of the effective date of this amendment. *[Adopted 5/20/89]*

I. Trailer parks and Campgrounds

1. In any district where campgrounds or trailer parks are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:
 - a. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term shelter devices;
 - b. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the Maine Department of Human Services;

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- c. Trailers shall be parked on sites containing a minimum of forty two hundred (4,200) square feet and having a minimum width of seventy (70) feet;
 - d. Tent sites shall contain a minimum of four hundred (400) square feet. There shall be a minimum of thirty (30) feet between tent sites;
 - e. Trailers shall be parked in spaces that:
 - 1) There will be a minimum of fifteen (15) feet between vehicles;
 - 2) There will be a minimum of fifteen (15) feet between all trailers and the exterior boundary of the park.
 - 3) There will be a minimum of twenty-five (25) feet between all trailers and all public rights-of-way located both inside and outside the boundaries of the trailer park or campground.
2. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

J. Individual Mobile Homes and Travel Trailers

A travel trailer or camper shall in no case be used as a mobile home, and any travel trailer in use as a temporary dwelling shall be stationed only in an authorized campground or trailer park. A travel trailer or camper while not in use may be stored on the premises of the owner.

K. Mobile Homes and Mobile Home Parks

1. Standards for Mobile Homes not in Mobile Home Parks.
- a. All bulk and space standards of the appropriate district shall be met.
 - b. The wheels and undercarriage shall be removed and the mobile home shall be placed on a foundation.
 - c. The foundation shall, as a minimum standard, consist of either:
 - 1) A continuous, perimeter concrete wall extending at least four (4) feet below finished grade. The wall shall be a minimum of eight (8) inches thick, reinforced, cast in place concrete. Steel reinforcement shall be provided for temperature and shrinkage stresses and suitable support shall be provided at the top of the formation to counteract internal foundation forces.
- OR**
- 2) A six (6) inch thick reinforced concrete slab, the horizontal dimensions of which are the same or larger than the trailer. The concrete slab shall be placed on not less than a twelve (12) inch layer of well-graded compacted gravel on a stripped subgrade. Suitable masonry piers shall be placed from the concrete slab to the trailer girders and hold-down wires or chain

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anchored into the slab will be provided. A suitable attached skirt extending from the concrete slab to the trailer shall be provided.

- d. In the absence of a full basement, suitable screening shall be provided to screen the oil tank.

2. Mobile Home Parks

Mobile homes in mobile home parks shall comply with all of the standards of Article 9, Section K.1 except those requirements relating to space and bulk. In addition, the following provisions shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

- a. Plan - An approved mobile home park plan shall be necessary under the terms of this Ordinance, prior to the establishment or expansion of a mobile home park, and shall consist of a site plan, including all attachments, signed by the Planning Board, and may include any conditions attached by the Planning Board.

An approved mobile home park plan shall not exempt an applicant from meeting other applicable local, state, or federal requirements. A mobile home park shall be considered a subdivision, and shall be subject to the requirements of the Subdivision Regulations of the Town of Raymond, except as otherwise provided by the provisions of this Section.

- b. Access - No mobile home park shall be developed unless adequate access for mobile homes and attached vehicles, emergency vehicles, fuel delivery, refuse collection and other vehicles is provided.
- c. Placement of Units on Lots - All manufactured housing units shall be placed upon mobile home park lots. The bounds of each lot shall be clearly marked with permanent corner pins for each lot, and the lot shall be well surfaced or seeded to provide adequate drainage beneath and adjacent to any manufactured housing units parked thereon. Each space shall provide for:
 - 1) continuing and potable supply of safe and sanitary water;
 - 2) connection to an adequate sewage disposal system;
 - 3) adequate electric power service; and
 - 4) compliance with local, State and Federal laws pertaining to manufactured housing.

Each lot and unit shall be numbered with a sign that is visible day and night and legible from the road, and shall be easily accessible to emergency vehicles (permitting emergency vehicles to approach within 50 feet of the unit).

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Every lot used in a mobile home park shall be properly graded and drained for disposal of surface and stormwater.

- d. Lot Requirements - Notwithstanding other requirements of this Ordinance or other Town ordinances, lots shall meet the following requirements:

	Minimum Lot Sq. Ft.	Minimum Lot Size Width Feet
Lots served by public sewer	6,500	50
Lots served by individual wastewater subsurface disposal systems	20,000	100
Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services	12,000	75

Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width, and shore frontage requirements of the district in which it is located.

- e. Overall Density - The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each twenty thousand (20,000) square feet of total park area.

The total area of a mobile home park shall not be less than the sum of the following:

- 1) the combined area of the mobile home park lots which shall each meet the minimum lot requirements;
 - 2) the area required for road rights-of-way;
 - 3) the area required for buffer strips;
 - 4) for parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots; and
 - 5) the area within the shoreland setback.
- f. Setbacks - Manufactured housing units shall meet the following minimum setbacks:
- 1) On lots that abut a public way: the setback required for other residential uses.
 - 2) On lots that are located in a shoreland area: the setback from the high-water mark required in that district.
 - 3) Garages or accessory structures shall be so located on individual lots so that all parts of the structures are a minimum of 15 feet from all lot lines

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and 30 feet from any unit or other structure on either the same lot or adjacent lot.

- g. Buffering - If a park is proposed within a residential district at a density which is at least twice the density of existing adjacent development or at least twice the density permitted in the zoning district the park shall be designed with a fifty (50) foot wide buffer strip along all property boundaries. The buffer strip shall be maintained as a landscaped area containing no structures. Roads and utilities may cross the buffer strip to provide access to the park.

h. Road Standards

- 1) The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
- 2) Roads that the applicant proposes to dedicate as public ways shall be designed and constructed in accordance with the street standards contained in Article 9, Section 3, of the Subdivision Regulations of the Town of Raymond.
- 3) Roads which the applicant proposes to remain private ways shall:
 - a) be designed by a professional engineer, registered in the State of Maine, and built according to accepted engineering standards;
 - b) have a minimum right-of-way of 23 feet;
 - c) have a paved travel surface with a minimum width of 20 feet; and
 - d) meet the standards of the Manufactured Housing Board.
- 4) No lot within the park shall have direct vehicular access onto an existing public street. On-street parking shall be prohibited.
- 5) Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least 2 street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
- 6) The intersection of any street within a park and an existing public street shall meet the following standards:
 - a) Minimum Angle of Intersection shall be 75%;
 - b) Maximum Grade within 100 feet of intersection shall be three (3) percent;

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- c) Minimum Sight Distance shall be ten (10) times the posted speed limit, measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three (3) feet above the pavement and the height of object four (4) feet;
 - d) Distance from other intersections shall be no less than one 125 feet from the centerline of any other street intersecting that public street.
- 7) The application shall contain an estimate of the average daily traffic projected to be generated by the park, based on the "*Trip Generation Manual*", 1987 edition or the most recent edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, prepared by a registered professional engineer with experience in transportation engineering.
- i. Safety Standards - The safety standards contained in Rule 02-385 Department of Professional and Financial Regulation, Manufactured Housing Board, Rules Pursuant to Establishing a Criteria as a Guide to Allow Park Operators to Institute a Safety Standard in Order to Resell a Mobile Home in a Manufactured Home Community, shall apply to ALL manufactured units to be located in a mobile home park.
- j. Manufactured Housing Storage - No unoccupied manufactured housing unit or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park.
- k. Motor Vehicle Parking Space - Not less than 300 square feet of parking space shall be provided in every mobile home park for each individual manufactured housing space in addition to manufactured housing space requirements and all such spaces shall have a well-drained, stabilized or paved surface maintained in good repair.
- l. Playground Area - Not less than 150 square feet of play space for each individual manufactured housing space shall be provided and restricted in every mobile home park exclusively to playground and/or recreational use, and such spaces shall be protected from streets and parking areas and shall have a well-drained, stabilized or paved surface maintained in good repair. Adequate playground or recreational equipment shall be provided in this area.
- m. Utility Services - Every manufactured housing unit shall be provided with adequate hygiene and sanitation facilities. Water supply, water service, plumbing, sewage disposal and treatment, electric power service, bottled gas service, heating equipment and fuels, refuse and garbage storage and disposal, and insect and rodent control shall be provided in full conformity with all pertinent state and local health regulations.

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- n. Park Administration - The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to State laws.
- o. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- p. Ownership of Park - The land within the mobile home park shall remain in a single, unified ownership. No lots or interest in lots shall be individually conveyed without the prior approval of the Planning Board, and any such lot sold or conveyed shall meet the lot size requirement for a site-built, single family dwelling in the respective zone in which it is located.
- q. Site Built Homes Prohibited - No dwelling unit other than a manufactured housing unit shall be located within the mobile home park.

L. Signs *[Amended 06/02/09]*

1. Definitions Specific to Sign Regulation

Alteration - A non-structural change or minor repair that does not involve replacing or reconfiguring the sign board or sign space, or the system used to affix the sign to the ground or to a structure. Change of color, lettering, logo, design or message constitutes alteration of a sign.

Fixed sign – A sign that is affixed in a permanent or semi-permanent manner to a sign post or sign mounting system in the ground or to a building or other structure.

Free Standing Sign - A fixed sign supported by one or more uprights or braces permanently affixed into the ground.

Identification Sign - A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises.

Portable sign - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure.

Off-premise Sign - A sign which advertises goods and services not rendered on the premises on which the sign is located.

Reader board - A sign or portion of a sign on which the copy periodically changes or can be changed by manual, electronic or mechanical means.

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Replacement - A structural change to a sign such as a change to the braces, uprights, poles, or any portion of the system used to affix the sign to the ground or to a structure, or a change or reconfiguring of the sign board or sign space. A change of color, lettering, logo, design or message not involving structural change does not constitute a replacement.

Sandwich board - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure, and that is displayed only while the business associated with the sign is open, and which contains copy set out in chalk, paint or print form which is easily changed but which is not removable lettering such as is typically found on reader boards. A sandwich board may be hung from a fixed sign or a structure, so long as they are not permanently or semi-permanently affixed.

Temporary advertising feature – An object displayed outdoors that is associated with commercial products or services or is intended to advertise, or draw attention to commercial products or services, and which may include models or replicas of products, inflatable devices, assemblages of flags, balloons or banners, and similar features or displays.

Temporary sign - A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure and that is, displayed for a temporary or limited timeframe.

Temporary commercial sign – A temporary sign that is associated with commercial products or services or is intended to advertise, or draw attention to commercial products or services.

2. Sign Permits

Except as otherwise herein provided, no person shall install, erect, or place a new sign or modify, move, replace, or make alterations to any sign, without first applying for and obtaining from the appropriate reviewing authority as set out in subsection 2.a below, a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as set out in subsection 2.b below and any other information that may be required by the reviewing authority for a complete understanding of the proposed work.

Applications shall be submitted to the Code Enforcement Officer, accompanied by the required fee as specified in the Schedule of Fees established by the Board of Selectmen. For Temporary Commercial Signs and Temporary Advertising Features the fee will be a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or advertising feature upon expiration of the permit.

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Applications to install, erect, or place a new sign or modify, move, replace, or make alterations to any sign that is part of a project that is required to receive Site Plan review shall be made part of the application for Site Plan review. Sign applications that are part of a Site Plan application, and that have paid a Site Plan review fee, shall not be required to pay a sign application fee except for fees for Temporary Commercial Signs and Temporary Advertising Features, if any.

a. Reviewing Authority

Except for temporary signs or temporary advertising features, Planning Board approval and permit under the provisions of this section shall be required for the installation or replacement of any sign that is part of a project subject to major or minor site plan review, or for any other sign application referred to the Planning Board by the Code Enforcement Officer.

Code Enforcement Officer permit approval under the provisions of this section shall be required for installation or replacement of all signs not subject to Planning Board review. Prior to permitting any sign that is proposed for a site that ever received site plan approval from the Planning Board or any new or replacement signs located within the Commercial District, the Code Enforcement Officer shall consult with the Town Planner. The Code Enforcement Officer may require that any sign application be reviewed for approval by the Planning Board if, in the opinion of the Code Officer, the staff review process is unable to adequately resolve all relevant issues raised by the sign application review process.

b. Application Information

Applications shall include a signage plan which contains information on the location and design of the proposed sign or alteration. The plans shall show the design, size, location, color, materials, contents and type of lighting for each proposed sign.

Unless, waived by the Reviewing Authority, applications proposing installation or alteration of a fixed sign in the Commercial District shall be prepared by a design professional experienced in commercial signage.

3. Exceptions

Permits are not required for:

- a. Political signs
- b. Trespass signs allowed under subsection 9.e
- c. Temporary real estate signs allowed under subsection 8.c
- d. Temporary development or construction site signs allowed under subsection 8.d

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- e. Temporary signs giving notice allowed under subsection 8.a
- f. Identification signs
- g. Name signs not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located
- h. Signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations
- i. Bulletin boards, reader boards or similar signs in connection with any church, museum, library, school or similar public structure
- j. Sandwich boards allowed under subsection 8.f
- k. Flags and banners allowed under subsection 8.e
- l. Changes to the content of established reader boards
- m. Signs that are located and displayed inside a building, whether visible outside of the building through a window or door.

4. Maintenance and Conformance of Signs

No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.

5. General Safety Standards for Signs

No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.

6. Motor Vehicle Signs

Signs on motor vehicles are not subject to the regulations of this Section unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exists:

- a. the motor vehicle is unregistered;
- b. the motor vehicle is uninspected;
- c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
- d. the motor vehicle is parked or stored continuously in the same location;

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- e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
- f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right of way adjacent to the front yard when there is parking available in a side or rear yard; or
- g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

7. Decoration and Ornamentation

Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section if one or more of the following circumstances exists:

- a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
- b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
- c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

The presumption that any decoration or ornamentation has the effect of circumventing this Section may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

8. Temporary Signs & Temporary Advertising Features

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The following temporary signs are allowed and shall conform to these standards and other municipal, state or federal ordinances, statutes or regulations:

a. Temporary Signs Giving Notice

Signs of a temporary nature such as advertisements of charitable functions, notices of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed twenty-one (21) days and shall be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

b. Temporary Political Signs

Temporary political signs may be placed in any district, except in a floodplain, are not subject to lot line setbacks, and may be placed in a public right of way or on public property but not within 150 feet of an intersection or in such locations as will create a safety hazard. Political signs may not be placed within a right-of-way or elsewhere prior to six (6) weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week after Election Day. The maximum size of temporary political signs shall be 4 feet by 4 feet.

c. Temporary Real Estate Signs

One temporary real estate sign attached to a building or free standing may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Temporary real estate signs shall be removed from the premises within thirty (30) days after the property is sold or leased.

d. Temporary Development or Construction Site Sign

One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project.

e. Banners & Flags

A banner or flag, the dimensions of which do not exceed twenty-four square feet and on which there is only the word "open" and no other lettering or numbering, may be displayed by any retail business or service establishment

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(except home occupations) during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.

f. Sandwich Boards

One temporary sandwich board is allowed for each business provided it meets the requirements of this section. Sandwich boards shall not exceed three (3) feet in height or a total of nine (9) square feet per side in size. Sandwich boards shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Sandwich boards may not include any source of illumination. Sandwich boards are allowed to be displayed outside only during the hours of operation of the business. Sandwich boards are not subject to lot line setbacks, and may be placed in the portion of a public right of way abutting the property containing the business as long as they are not placed in a travel way or on a public sidewalk and do not create a hazard.

g. Temporary Commercial Signs

One temporary sign for commercial purposes (including but not limited to advertising or announcing a new or relocated business) up to thirty-two (32) square feet of total façade area but no more than sixteen (16) square feet per side, shall be permitted in any district in connection with a legally permissible business conducted on the premises.

Temporary signs are allowed in addition to any sign permitted by this section. The area of the temporary sign shall not count toward the maximum sign area allowed for an individual property.

A temporary commercial sign is not subject to lot line setbacks but shall be located within the boundaries of the property on which the business is located. A temporary commercial sign shall not be placed in a travel way or on a public sidewalk and shall not create a hazard for pedestrians or vehicles.

Temporary commercial signs shall not be installed or displayed on the same property or on adjoining properties under the control of a single person or entity for more than four (4) thirty (30) day periods per calendar year, and such periods must be non-consecutive. In order to be considered non-consecutive, there shall be at least a fifteen (15) day interval between display periods. When more than one business is located on the same property or on adjoining properties under the control of a single person or entity, the limitations of this paragraph shall apply separately to each business.

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The Code Enforcement Office shall issue permits for temporary commercial signs (“temporary sign permit”) for each non-consecutive thirty (30) day period which set out the expiration date of the permit. Temporary signs shall be removed on or before the expiration date set out in the temporary sign permit.

In addition to being subject to penalties and other sanctions for violations of this Ordinance, any business that allows a temporary sign to remain in place more than the thirty (30) consecutive days allowed by this section will forfeit the permit deposit to the town.

h. Temporary Advertising Features

One temporary advertising feature shall be permitted in any district in connection with a legally permissible business conducted on the premises.

Temporary advertising features are allowed in addition to any sign permitted by this section. The area of the temporary advertising feature shall not count toward the maximum sign area allowed for an individual property.

A temporary advertising feature shall be located so that it does not create a hazard for pedestrians or vehicles. A temporary advertising feature shall not be placed in a travel way or on a public sidewalk.

Temporary advertising features shall not be installed or displayed, on the same property or properties under the control of a single person or entity, more than four (4) non-consecutive ten (10) day periods per calendar year. In order to be considered non-consecutive, there shall be at least a fifteen (15) day interval between display periods.

The Code Enforcement Office shall issue permits for temporary advertising features (“temporary advertising feature permit”) for each non-consecutive 10 day period, which set out the expiration date of the permit. Temporary advertising features shall be removed on or before the expiration date set out in the temporary advertising feature permit.

Any business that allows a temporary advertising feature to remain in place more than the ten (10) consecutive days allowed by this section will forfeit the permit deposit to the town.

9. Regulations Applicable to All Signs

a. Off-premises signs

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Off-premises signs are prohibited. All signs shall be located on the property containing the business to which the sign relates, subject to the provisions of subsection 11 below.

b. Reader Boards

Reader boards attached to permanent signage are allowed so long as they do not occupy more than 50% of the area of the sign. Reader boards shall contain no more than four (4) lines of text and the lettering on the Reader board shall not be less than 6" in height. The area of the Reader board shall be counted toward calculating the maximum gross display area of signs on the property. A reader board may contain an electronic message sign, and may include a time and/or temperature display so long as the time and/or temperature display complies with the requirements for time and/or temperature signs in subsection 9.c below. A reader board must also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

c. Time and/or Temperature signs

Time and/or Temperature Signs are allowed, and any sign otherwise permitted may include a time and temperature sign, provided that a time and/or temperature sign not be established within 2,500 feet of another time and temperature sign. A time and/or temperature sign shall be limited to 10 square feet in area and may not be located more than 10 feet above grade. The area of the time and/or temperature sign shall be counted toward calculating the maximum gross display area of signs on the property. The electronic display of a time and/or temperature sign shall not change more often than one time per minute. A time and/or temperature sign shall also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

d. Illumination & Animation

Sign illumination, if any, shall be a non-flashing light. Animated display or flashing signs are prohibited.

e. Trespass signs

Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

f. Roof mounted signs

Signs shall not be mounted to, nor placed upon the roof of any building.

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g. Street numbers

Any premise which utilizes an advertising sign or other sign identifying the premises to the traveling public must display its street numbers on at least one of the permanent signs permitted under this Section in a location visible from the nearest street. The characters of the street number shall be at least 6 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 6 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 6 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after June 2, 2009 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph.

10. Specific Standards

- a. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential-Recreation I, Limited Residential-Recreation II, Village Residential I, Village Residential II, Rural and Rural Residential districts, and any other residentially-zoned districts.
 - 1) Signs related to goods and services lawfully sold on the premises are allowed, but shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises except as otherwise allowed pursuant subparagraph (4) below.
 - 2) 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.
 - 3) No sign shall extend higher than twenty (20) feet above the ground.
 - 4) Signs advertising approved commercial uses in the residential zones fronting on Route 302, will be allowed to the maximum size and number allowed in the commercial zone.
 - 5) Signs advertising approved agricultural uses in the residential zones will be allowed to the maximum size and number allowed in the commercial zone. *[Adopted 07/06/2017]*
- b. The following provisions shall govern the use of signs in the Commercial District.
 - 1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses of goods sold or

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services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. Signs may be single or double-faced.

- 2) The maximum display area of permanent signs in this district shall be an amount equal to one (1) square foot of area for every foot of street frontage to a maximum of two hundred eighty eight (288) square feet for each premise.
 - 3) Detached signs may extend to a maximum height of twenty (20) feet above the level of the ground upon which they are erected.
 - 4) Signs attached to a building may extend a maximum of ten (10) feet above the level of the eaves of roofs.
 - 5) Signs shall be located only in the front yard or along the front property line in cases where the commercial lot abuts a lot in a residential district. Any sign within ten (10) feet of the property line shall have the bottom of the sign not less than six (6) feet above the level of the adjacent traveled surface.
 - 6) No sign shall be more than four (4) feet above the peak of the roof and no sign shall protrude out from the building more than twelve (12) inches.
 - 7) No sign shall be more than 12 feet by 12 feet and not to exceed 288 square feet in size including the two sides of a freestanding sign.
 - 8) Signs attached to buildings shall not exceed 4 feet by 8 feet.
- c. The following provisions shall govern the use of signs in the Industrial District.
- 1) Signs permitted in this district include free standing signs and signs attached to a building or structure, identifying uses or articles produced or services rendered on the premises. Signs attached to a building may project out from the façade of the building but may not be mounted to the roof of the building. In cases where the industrial lot abuts a lot in a residential district, the sign shall be constructed in a manner such that it will be oriented in a direction other than toward the residential district.
 - 2) Signs will be allowed to the maximum size allowed in the commercial zone but will be at the discretion of the Reviewing Authority to meet the standards of the area located.

11. Non-Conforming Signs

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The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

Any sign existing as of June 2, 2009 which does not conform to the regulations and requirements of this Section and any sign existing on the effective date of any amendment to this Section which renders the sign nonconforming may continue to be used and maintained in a condition of good repair until removed, pursuant to the following provisions:

- a. When any sign no longer advertises a bonafide business conducted, product sold, activity being conducted, or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall, within thirty (30) days after the activity has ceased, remove and replace the sign with a clean, neat, and well maintained façade or covering so as not to cause detriment to the physical appearance or scenic beauty of the community.
- b. When any sign which does not conform to the regulations and requirements of this Section does not, for a consecutive period of two years or more, advertise a bonafide business conducted, product sold, activity being conducted, or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall permanently discontinue the use of that sign until such time as it conforms to the regulations and requirements of this Section.
- c. Any permanent sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section shall be removed no later than June 2, 2019 except that a free standing sign, located outside of the lot containing the business to which the sign relates, but in the portion of a public right of way abutting the property containing the business, and which does not create a hazard for pedestrians or vehicles, may continue in that location, subject to any authority or decision of the State, until such time as there is a change to the braces, uprights, poles, or any portion of the system used to affix the sign to the ground.
- d. Alterations may be made to any permanent sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section prior to June 2, 2019 without bringing the sign into conformance with the regulations and requirements of this Section.
- e. Any temporary or portable sign existing as of June 2, 2009 that does not conform to the regulations and requirements of this Section shall be removed

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no later than December 2, 2011.

M. Soils

All land uses shall be located on soils that are suitable for such proposed uses from the point of view of preventing adverse environmental impacts including erosion, mass soil movement, and water pollution. In cases of proposed structural development or other similar intensive land uses, the determination of soil conditions shall be based on a soils report, identifying soil boundaries and names, prepared by a State-certified soil scientist, geologist or registered professional engineer based on an on-site investigation. Suitability considerations shall be based primarily on suitability as described by the National Cooperative Soil Survey as modified by on-site factors such as depth to water table and depth to refusal.

N. Timber Harvesting

All timber harvesting shall be governed by the provisions of Maine Revised Statute Title 12, Chapters 805 and 807, to the extent applicable, as well as the following regulations. Landowners may be required to provide notification of a timber harvest to the Maine Bureau of Forestry and to the municipal clerk prior to commencing timber harvesting operations. Timber harvesting in Shoreland Districts shall also be in accordance with the regulations of the Shoreland Zoning Provisions of the Town.

1. No accumulation of slash shall be left within fifty (50) feet of a road or street. At distances greater than fifty (50) feet from the road or street to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than six (6) feet above the ground.
2. Timber harvesting activities shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

O. Water Quality Protection

No activity shall store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, such that it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, 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.

P. Agricultural Uses

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1. Farm buildings, other than dwellings, shall not be erected within fifty (50) feet of a neighboring property line or one hundred (100) feet from an existing dwelling on neighboring land, whichever is farthest.
2. Feed lots, fenced runs, pens, and similar intensively used facilities for animal raising and care shall not be located within one hundred (100) feet of a neighboring property line, excluding pastures.
3. Nothing shall prohibit the keeping of household pets such as dogs and cats. The keeping of horses, ponies, and other large pets or the raising of more than two (2) of each species of such animals six (6) months old or older requires conformance to Sections (1) and (2) above and conformance with the minimum lot size of the applicable land use district.

Q. Lot Structural Coverage

In all districts except the Commercial District, lot coverage by structure(s) shall not exceed fifteen (15) percent of the lot. There shall be no lot coverage requirement in the Commercial District. *[Adopted 5/16/87] [Amended 6/7/16]*

R. Driveway Construction

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]*

S. Wireless Communication Facilities

Available under separate cover

T. Back Lots and Back Lot Driveways *[Adopted 5/18/02][Amended June 4, 2013]*

Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the Reviewing Authority pursuant to with the following provisions:

Reviewing Authority. The Reviewing Authority is defined as the Code Enforcement Officer (CEO) or Planning Board. The CEO may grant permit approval under the provisions of this section, however Planning Board permit approval shall be required for any application seeking a waiver of any submission requirements or any criteria of this section which are allowed to be waived. The CEO may require that any application be reviewed for approval by the Planning Board if, in the opinion of the CEO, the staff review is unable to adequately resolve all relevant issues raised by the Back Lot Driveway application.

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1. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Planning Board may approve a back lot driveway right-of-way with a minimum width of 40 feet if 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 meets street frontage requirements along a street that is consistent with Town construction and design standards for a public or private street. Lot dimensional size requirements shall be consistent with the Town of Raymond Land Use Ordinance 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. The back lot right- of- way shall be considered the front of the lot for the purposes of determining the front setbacks for both the existing and newly created lot(s). 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 from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street. The back lot driveway design shall include a turnaround layout that meets the design standards in the Town of Raymond Street Ordinance and that will accommodate safe emergency vehicle access to the lot. A private street shall meet the minimum private street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway originates. The Planning Board may waive this requirement to no less than 200 feet, if deemed adequate to maintain a safe site distance.
5. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right of way, or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.
6. 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. In the event the creation of both back lots are not part of the same approved plan, prior to the creation of a second back lot, the applicant shall

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submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Reviewing Authority and a plan for driveway maintenance as described in paragraph 7.

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 Reviewing Authority 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. 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 existing 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.
9. 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 Town of Raymond Land Use Ordinance.
10. 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, with a maximum grade of 3 percent for the first 50 feet. The minimum grade shall be 0.5%. The roadway crown shall be 1/4" per one foot, except that the roadway crown shall be 1/2 " 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.
11. All applications for a back lot driveway to be submitted for review by the Reviewing Authority 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 and a statement regarding any waivers requested for the location of the back lot driveway.
 - c. The anticipated starting and completion dates.

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- 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 a locus map with 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. All drainage 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, Section X the Planning Board, an applicant may meet the requirements of the Point System by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.
 - vi. A phosphorous impact plan must be included in the application package in conformance with the requirements of Article 9, Section X. of the Raymond Land Use Regulations for a back lot driveway entirely or partially located within 600 feet (horizontal distance) of the normal high water line of a great pond or river, 250 feet (horizontal distance) of the upland edge of a freshwater wetland, or 100 feet (horizontal distance) of the normal highwater line of a stream, unless otherwise triggered by State or Federal law.
 - vii. A soil erosion and sedimentation control plan in conformance with the requirements of Article 9, Section U. 5 of the Raymond Land Use Ordinance.
12. If the Reviewing Authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances that a public hearing is advisable, the CEO may refer the application to the Planning Board, which may schedule a public hearing at its next regularly scheduled meeting. The applicant shall submit plans and design information within at least twenty-one (21) days prior to a scheduled Planning Board hearing. 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

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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.

13. The Reviewing Authority shall review the application and determine whether it complies with the requirements of this Section. The Reviewing Authority 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 Reviewing Authority shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The Reviewing Authority 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 Reviewing Authority of good cause shown.
14. 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 back lot driveway 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.

U. Lots *[Adopted 5/18/02]*

With the exception of lots approved after the effective date of this ordinance by the Planning Board under the provisions of the Raymond Subdivision Regulations, any person proposing to create a lot within the Town of Raymond shall, prior to the creation of such lot by any means, including, but not limited to, conveyance, lease, building, development, gift, bequest or otherwise, demonstrate to the satisfaction of the Code Enforcement Officer that the following standards will be complied with. The Code Enforcement Officer shall maintain a file of each such lot, which shall contain documentation as to the manner in which the standards shall be met. Prior to the issuance of a building permit for a principal structure, documentation shall be placed in the property file maintained at the Town Office indicating that any improvements or restrictions required under this subsection will be complied with.

1. Lot Dimensions and Measurements
 - a. A lot must be dimensioned to contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage in the applicable zoning district. In addition, the minimum width of each lot at the required front setback must equal or exceed the minimum road frontage in the applicable zoning district. The requirements in this paragraph do not apply to lots approved pursuant to the provisions of Article 13 for single-family cluster subdivisions.

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- b. Depth of a lot shall be considered to be a line perpendicular to the lot frontage and extending from the foremost points of the side lot lines in the front to the rear most points of the side lot lines in the rear.
- c. Width of a lot shall be considered to be the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- d. Setback measurements shall be measured from the property line, road right of way line, or the normal high water mark to the nearest part of a building on the lot. *[Amended 8/7/07]*

2. Minimum Developable Area per Lot

Each lot shall have developable area for the construction of buildings and other improvements without utilizing land unsuitable for development. The developable area shall have a minimum width and a minimum depth equivalent to one-half (1/2) of the required frontage except that one dimension may be decreased by up to 25% as long as the other dimension is increased by an equivalent amount. The developable area shall be located outside of any setback areas and be free of wetlands, floodplains and slopes in excess of 33%. For the purposes of this paragraph, "wetlands" means those wetlands as identified on the National Wetland Inventory Map, "floodplains" are as presented on the Flood Insurance Rate Map, and "slopes in excess of 33%" are as illustrated on the U.S. Geological Survey Map.

3. Limited Access to Lots Abutting Town Roads

It is the objective of these provisions to preserve the historic character, rural appearance, and safe operation of Raymond's public ways. Any lot that abuts a town way shall be developed in the following manner. The lot shall be limited to one driveway onto a public way. If an adjacent lot on the public way is vacant, the driveway shall intersect the public way at the common lot boundary. This provision is designed to allow two adjacent lots to create separate driveways but share a single point of access onto the town way. The Code Enforcement Officer may approve separate points of access for adjacent lots if he determines that, due to the presence of wetlands, ledge, inadequate sight distance or similar conditions, a single point of access would not be possible.

4. Septic Systems *[Amended 12/2/08]*

Septic tanks and disposal fields shall meet the setback distances from on-site and off-site features as required in the "Maine Subsurface Waste Water Disposal Rules" (Rules). In addition, on lots approved by the Planning Board under the provisions of the Raymond Subdivision Ordinance and for which a hydro-geologic assessment conforming to Article 8, section 13 (Impact on Ground

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Water) of the Subdivision Ordinance has been submitted, septic tanks and disposal fields shall be located as shown on the approved Subdivision Plan.

A minimum of two test pits shall be dug and recorded on the Subsurface Wastewater Disposal System Application, HHE-200 form completed by a Maine Licensed Site Evaluator or Licensed Soil Scientist for each bed area. The leaching bed design shall be based on the most restrictive of the test pits.

An application for an individual septic system shall be completed by a State Licensed Site Evaluator in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules.

Plans for Engineered Wastewater Disposal Systems, as defined in the Maine Subsurface Wastewater Disposal Rules shall be designed by a professional Civil Engineer and approved by the State of Maine Department of Human Services.

The local Plumbing Inspector may approve variances to well, septic system and property line setbacks consistent with the Maine Subsurface Wastewater Disposal Rules and based upon documentation provided by a Licensed Site Evaluator (or professional with comparable expertise) that adjacent properties will not be adversely affected. However, minimum setback distances from water bodies for all new subsurface wastewater disposal systems shall not be reduced by variance.

5. Erosion Control

Lots subject to Article 10, Site Plan Review, shall conform to the requirements of Article 10, Sections D, 1, 27 and F, 16. For all other lots the applicant shall submit a site plan that demonstrates to the satisfaction of the Code Enforcement Officer that the project will comply with this standard. *[Amended 12/2/08]*

Erosion of soil and soil particles by water, wind, ice or gravity can occur whenever the surface of the ground is disturbed by a development activity. Erosion control practices are intended to prevent the onset of erosion while sedimentation control practices are necessary to compensate for erosion control practices that are not effective.

Erosion can be minimized by:

- Diffusing stormwater where possible rather than concentrating it in ditches and culverts
- Where water cannot be diffused, directing it to culverts and stabilized ditches of adequate capacity and diverting it around disturbed areas
- Minimizing the area of exposed soil at any time
- Minimizing the creation of steep “cut” or “fill” slopes during construction but where unavoidable, stabilizing slopes as soon as possible after disturbance

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- Preserving natural vegetative buffers between construction areas and water bodies
- Maintaining maximum setbacks between construction and water bodies
- Mulching bare soil immediately after disturbance
- Reseeding as soon as possible

The applicant shall submit an Erosion and Sedimentation Control Plan prepared in conformance with the Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection, March 2003 and as amended. *[Amended 12/2/08]*

The plan must be prepared by a professional who is registered, licensed, or certified in a related land use field, or by education, training, or experience is knowledgeable in erosion and sedimentation control.

V. Shipping Containers

1. Residential Zoning Districts

- a. Shipping containers are not permitted in a residential zoning district. A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of not more than one shipping container on a residential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping container was on his/her lot and in active use as of January 1, 2004. The CEO shall not issue such permit unless the property owner has submitted a written application within six (6) months of the effective date of this ordinance. The application shall include information on the container's size, type and location on the property. No such container shall be located within a required setback or between the principal structure and the front lot line.
- b. A property owner may apply for a shipping container permit to temporarily locate a single shipping container on a lot in a residential zoning district for a period not to exceed six (6) months. Use of such shipping container shall be limited to the temporary storage of residential goods, such as household furniture, appliances, bathroom fixtures, clothing and similar items, while the residence is being remodeled or is being repaired after damage due to fire, flood or similar event. A three (3) month extension of a shipping container permit may be granted at the discretion of the CEO.

2. Non-Residential Zoning Districts

- a. Shipping containers are permitted in non-residential zoning districts subject to Site Plan Review by the Planning Board and issuance of a shipping container permit by the CEO and further subject to the following standards:

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- 1) Their use is limited to the temporary storage of goods, products or materials that are manufactured or assembled on the site or used in manufacturing and assembly on the site.
 - 2) The total floor area of all shipping containers on a lot shall not exceed seven hundred (700) square feet.
 - 3) They are located outside of any required setback, parking space or vehicle maneuvering area.
 - 4) They do not adversely affect sight distance at any point of access from the site onto a public or private way.
 - 5) They do not adversely affect stormwater flow across the site.
- b. A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of shipping containers on a non-residential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping containers were on his/her lot and in active use as of January 1, 2004. The CEO may not issue such permit unless the property owner has submitted a written application within six (6) months of the effective date of this ordinance. The application shall include a site plan that shows the location of all shipping containers in relation to existing improvements and demonstrates compliance with the standards of subsection 2, a, 1-5. In the event the site does not comply with one or more of the subsection 2, a standards, the application shall include a written plan demonstrating how the site will be brought into conformance within three (3) months of issuance of a shipping container permit. If the CEO determines that the site has not been brought into compliance with the subsection 2.a standards within this time period, he/she may revoke the shipping container permit and order all shipping containers removed from the site.
- c. Shipping containers may be temporarily placed on property in a commercial or industrial district where a construction project is occurring and utilized for the storage of construction materials, equipment, tools, etc. without a shipping container permit from the CEO. In all cases, such shipping containers shall not be placed where they will diminish or negatively impact sight distance, cause a hazard to the traveling public, or negatively impact existing stormwater flow across the site. Such shipping containers shall be removed within thirty (30) days after the completion of the construction project. *[Adopted 5/15/04]*

W. Multi-family Development

1. Purpose: These provisions are intended to promote a unified development, which will be in harmony with surrounding uses. Multi-family subdivisions are considered to be the same as multi-family developments and must conform to the standards set forth in this section.

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2. Location: Multi-family cluster subdivisions shall be permitted only in the Village Residential District.
3. Space and bulk requirements:
 - a. A buffer strip of at least fifty (50) feet shall be required along the existing road frontage. Access to the subdivision shall be limited to the interior road system. A maximum of two entrances for the interior road system shall be permitted through the buffer strip;
 - b. A buffer strip of at least two hundred fifty (250) feet shall be required for subdivisions bordering a lake, river, or in any other area with shoreline frontage;
 - c. Distances between principal adjacent buildings shall be a minimum of the height of the tallest building. All other space and bulk requirements listed in Article 4, Section A.4, shall be maintained.
4. Recreation and Open Space Requirements:
 - a. Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to ten (10) percent of the total area for recreation. It is desirable that areas reserved for recreation is at least one (1) acre in size and easily accessible from all lots or units within the subdivision.
 - b. Open space shall be either dedicated to public use through agreement of the Town of Raymond Selectmen or shall be reserved for the use of residents and guests of the subdivision. It shall not be used for commercial recreation or for private clubs whose membership is different from the Condominium or Homeowner's Association.
 - c. Open space areas, except for the required buffer strip of fifty (50) feet on existing roads, shall be contiguous, where possible.
 - d. Common open spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.
 - e. When reviewing the site design of the proposed type of open space, the Planning Board shall consider the following criteria:
 - 1) Buildings, streets, and parking areas shall be designed and situated to minimize alteration of natural site features to be preserved;
 - 2) The usability of open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site;

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- 3) Open space shall include irreplaceable natural features located on the tract (such as but not limited to, stream beds, significant stand of trees, individual trees of significant size, and rock outcroppings);
- 4) Open space intended for recreation or public use shall be easily accessible to pedestrians;
- 5) The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of streets;
- 6) Diversity and originality in individual building design shall be encouraged to achieve the best possible relationship between development and the land;
- 7) Buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access;
- 8) Buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.

5. Ownership and Maintenance

- a. Ownership: Common open space, which is not deeded to the Town of Raymond after approval by the Town, shall be owned in common by all owners of units in multi-family development. Ownership percentages shall be apportioned among all owners and shall be recorded on their deeds. A listing of ownership percentages shall be filed with the Town Assessor before the first unit is sold. Each owner shall be assessed a percentage of the property tax levied on the common open space and shall be responsible for its payment.
- b. Maintenance: Maintenance of open space not deeded to the Town of Raymond shall be the responsibility of all unit owners. A Condominium or Homeowners' Association shall be organized; one of whose purposes shall be the maintenance of common open space. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied. All relevant legal papers shall be submitted to the Planning Board for review and approval before the subdivision is approved. Until fifty-one (51) percent of all units have been sold, and a Condominium or Homeowners' Association organized, the developers shall be responsible for maintenance of the common open space. Owner(s) of multi-family rental developments are responsible for maintenance.

X. Stormwater Quality and Phosphorous Control [Amended 12/2/08]

The direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution as stormwater can contain sediment, nutrients such as phosphorus, hydrocarbons and other harmful substances. These impacts can contribute to degraded water quality or promote algae blooms further depleting necessary components to maintain a safe and effective ecosystem. Increased

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stormwater runoff flows can also damage roads, ditches, culverts and other drainage structures that are not designed to accommodate storm flows. These problems can worsen when an undeveloped woody or well vegetated site is cleared for development since stormwater that was previously intercepted by vegetation and absorbed into the ground is allowed to flow more freely across and ultimately off the site. The closer post-project proposed stormwater flows are kept to pre-project original undeveloped conditions in terms of volume, rate, timing and pollutant load for the area encompassed by a project, the less likely that stormwater will damage the site, or public or private property, or cause harm to water bodies.

The introduction of excessive amounts of phosphorus from developed areas into lakes and ponds has been identified as a significant threat to water quality. The introduction of stormwater quality treatment Best Management Practices (BMPs) can minimize impacts to receiving wetlands and water bodies. The preferred stormwater treatment BMP for residential lots is the incorporation of naturally vegetated buffers whenever site conditions are suitable. Alternative stormwater treatment BMPs for residential lots, such as but not limited to infiltration, bio-retention measures, soil filter swales, and wetponds which should be used when site conditions on the lot prevent the effective use of buffers.

The purpose of this standard is to maintain the water quality of the area's lakes, ponds and streams by preventing the introduction of excessive amounts of pollutants to water bodies.

1. Applicability

This section shall apply to all development, construction, alteration or building on lots, where any portion of the lot is within 600' of a great pond, as measured from the normal high water mark, or 100' of a perennial stream, as identified on a USGS map. Projects that must meet this standard include, but are not limited to;

- a. All lots subject to Site Plan Review including any additions, modifications, or new commercial, retail, industrial, institutional and/or recreational structures and uses that have not received prior approval by the Planning Board that included a Phosphorus Export Analysis or a Stormwater Plan that meets the applicable requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.
 - 1) All such lots subject to Article 10 Site Plan Review shall conform to the requirements of Article 10, Sections D, 14 and E, 1, e in addition to the provisions of this section.
 - 2) Except for Minor Developments and Minor Modifications, for which Planning Board approval is not required, and the Planning Staff may approve, all projects subject to Site Plan Review shall submit a

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phosphorus export analysis and calculations based on “*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*” (latest edition), issued by Maine DEP. Minor Developments and Minor Modifications subject to Planning Authority review only shall use the point system in Section 2, a. [Amended 6/7/16]

- b. New residential structures and uses that have not received prior approval by the Planning Board that included a Phosphorus Export Analysis, or a Stormwater Plan that meets the requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.
- c. Expansions of existing single family structures and duplexes, new accessory structures associated with single family structures and duplexes, or extensions of more than 150 feet of existing driveways, any of which individually or cumulatively increase the impervious area on the lot by 1,500 square feet or more.

2. Application Review

The applicant shall submit a site plan that demonstrates to the satisfaction of the applicable Planning authority of either the Planning Board or the Planning Staff Code Enforcement Officer and Planner) that the project will comply with this standard. Such plans shall be completed by the applicant, or qualified designer, or design professional, with stormwater design and management expertise. The Planning authority shall review the Stormwater and Phosphorus Management Plan and approve a permit based on one of the following methods. If the Planning authority determines, because of particular circumstances of the property, that a third party review of the stormwater and phosphorous management control plans would help achieve the purposes of this ordinance, the Planning Authority may require review and endorsement of such plans by a third party qualified in stormwater design and management, or State of Maine Professional Engineer to conduct such review, the cost of which shall be borne by the Applicant. [Amended 6/7/16]

a. Point System

1) Point Credits

The Planning Staff or Authority shall issue a Stormwater and Phosphorus Management Control Permit if the applicant meets or exceeds fifty (50) points based on the following point schedule. The applicant shall submit a Sketch Plan of the lot showing how each of the following point credits, or deductions apply to the proposed development. The Sketch Plan shall show approximate locations and dimensions of each stormwater BMP, or other measure. [Amended 6/7/16]

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- a) 10 Points for correcting an existing erosion problem on the project site, as approved by the CEO.
- b) 10 Points for a building footprint less than 1,500 square feet
- c) 10 Points for a clearing limitation of less than 20% of the lot, or 15,000 square feet, whichever is less; or

20 Points for a clearing limitation of less than 15% of the lot, or 10,000 square feet, whichever is less
- d) 15 Points for the installation of rock-lined drip edges or other infiltration system to serve no less than 50% of the new impervious area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs): or *[Amended 6/7/16]*

25 Points for the installation of rock-lined drip edges or other infiltration system to serve no less than 75% of the new impervious building area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Soil filtration or infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMP's); or *[Amended 6/7/16]*
- e) 25 Points for the installation of rain gardens soil filtration system, or wetpond design to serve no less than 50% of the total new impervious area on the site. Rain gardens, soil filter, and wetpond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six –inch ponding area, and designed in accordance with the details following approved

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engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMP's); or *[Amended 6/7/16]*

40 Points for the installation of rain gardens soil filtration system, or wetpond design to serve no less than 75% of the new impervious area on the site. Rain gardens soil filter, and wetpond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six –inch ponding area, and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMP's). *[Amended 6/7/16]*

- f) 30 Points for a 50 foot wide (no greater than 15% slope) wooded buffer strip, or a 75 foot wide vegetated buffer (no greater than 8% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

35 Points for a 75 foot wide (no greater than 15% slope) wooded buffer strip, or a 100 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or

40 Points for a 100 foot wide (no greater than 15% slope) wooded buffer strip, or a 150 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer.

2) Point Deductions*[Amended 6/7/16]*

The Reviewing Authority will deduct points based on the following point schedule: *[Amended 6/7/16]*

- a) 5 Points deducted for a new structure footprint exceeding 2000 square feet, and an additional 5 points deducted for each additional 500 square feet of structure footprint.
- b) 5 Points deducted for over 20,000 square feet of disturbance, and an additional 5 points deducted for each additional 5,000 square feet of disturbance.

b. Alternate Means of Calculation

In those cases where the Planning Authority determines that use of the points system is inadequate to achieve the purposes of stormwater and phosphorous

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management control or is otherwise inappropriate because of particular circumstances of the property, the Planning Authority may assess conformance with this standard based on the following: *[Amended 6/7/16]*

- 1) Phosphorus export calculations based on “*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*” (latest edition), issued by Maine DEP. Any such design must be certified by a Licensed Professional Engineer.
- 2) A Stormwater Management Plan designed in accordance with Section 4B of the State of Maine Chapter 500 Stormwater Regulations, General Standards (June 6, 2006, and as amended). Any such design must be certified by a Licensed State of Maine Professional Engineer. *[Amended 6/7/16]*
- 3) A licensed State of Maine Professional Engineer certifies that the proposed treatment measure matches or exceeds the performance of the treatment measure under the specific point system allowance. It shall be the engineers responsibility to provide evidence that the measure has been approved by the Maine Department of Environmental Protection or provides other certification into comparable treatment by professional testing results. *[Amended 6/7/16]*

Y. Clearing of Vegetation for Development

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or fifteen thousand (15,000) square feet, whichever is greater, including land previously developed. *[Adopted 3/21/98]*

Z. Accessory Apartments

Accessory Apartments, attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than fifteen (15) percent. The Appeals Board may grant an additional five (5) percent. If the total number of bedrooms or potential bedrooms exceeds by more than one (1) the number of bedrooms the septic system is designed for, a replacement or expanded system shall be designed and installed before occupancy. The accessory apartment shall not comprise more than 700 s.f. of living space, excluding stairways. Not more than one (1) accessory apartment shall be permitted per parcel. *[Adopted 06/03/15]*

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A. Purpose

1. The purpose of Site Plan Review is to ensure that the design and layout of commercial, retail, industrial or institutional uses or multi-family residential development will constitute suitable development and will not result in a detriment to the Town of Raymond or to the environment.
2. The purpose and objectives of site development requirements and the site design review procedure for uses other than single-family and duplex dwellings are to:
 - a. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of the development;
 - b. Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
 - c. Conserve the Town's natural beauty and visual character and charm by insuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic quality of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs, and other improvements;
 - d. Protect and enhance the Town's appeal to its residents and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial, and industrial properties;
 - e. Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
 - f. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;
 - g. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change, and improvement;
 - h. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the Town's favorable environment; and, thus, to promote and protect the health, welfare, and safety of the Town.

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B. Authority and Classification of Site Plans *[Amended 06/02/09]*

1. Except for single-family dwellings, duplex dwellings, accessory uses to single-family or duplex dwellings, maintenance of an existing building or facility, or interior renovations to an existing building or facility which do not change the use(s) or increase the amount of parking required under Article 9, Section C, no building permit shall be issued for a new building, a new facility, an exterior renovation to an existing building or facility, any alteration to or addition of impervious areas, or any substantial change to the use of an existing building or facility until the plans, drawings, sketches, and other documents required under this section have been reviewed and approved in accordance with the Site Plan Review provisions set out in this section below.
2. Site Plan Reviews shall be classified by the Town Planner as follows:
 - a. **Staff Review.** A site plan application shall be classified as a **Staff Site Plan Review** so long as, in any two year period: *[Amended 06/03/2014]*
 - 1) any new building or any additions to existing buildings proposed by the application are more than 500 square feet but do not exceed 2,400 square feet of new Gross Floor Area, and
 - 2) any exterior building renovation proposed by the application do not exceed 2,400 square feet of building surface area, and
 - 3) any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 10,000 square feet.
 - 4) the proposed development project includes the development of back lots and/or construction of back lot driveways under Article 9 – Minimum Standards, Section T. *[Adopted 07/06/2017]*
 - b. **Minor Review.** A site plan application which exceeds the thresholds for Staff Site Plan Review shall be classified as a **Minor Site Plan Review** so long as, in any period:
 - 1) any new building or any additions to existing buildings proposed by the application do not exceed 4,800 square feet of new Gross Floor Area, and
 - 2) any exterior building renovation proposed by the application do not exceed 4,800 square feet of building surface area, and
 - 3) any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 20,000 square feet.
 - 4) the proposed development project includes new construction, or alteration to, or the extension of, a private or public street which does not warrant review under Town of Raymond Subdivision Regulations. *[Adopted 07/06/2017]*

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- c. Major Review. All other projects subject to Site Plan review shall be classified as a **Major Site Plan Review**.
3. Site Plan Amendments and Revisions shall be classified by the Town Planner as follows *[Adopted 06/03/2015]*:
- a. **Di Minimus Revisions** which include minor field revisions to an existing site plan that are handled by the Code Enforcement Officer and have little to no effect on the project. No public or abutter notices are required, and a Di minimus review may include up to three (3) different entities or separate revisions under one (1) review.
 - b. **Staff Review Revisions** include site plan revisions such moving parking spaces, modifying a building orientation, revising landscaping or buffers, or essentially any modification that keeps the area equal or less for structural revisions, or that maintain the minimal intent of other site plan requirements but may modify revise or alter the location or orientation such that no waiver of a site plan requirement is necessary. No abutter notices are required.
 - c. **Minor Site Plan Revisions** those that keep the accumulated improvements to an existing site plan for new additions or buildings or site surface changes to that which is at or below the Minor Site Plan review over any 5 year period, or plan revisions that alter the intensity of use, or alter impacts to the site such that Staff feels that any one of the Site Plan requirements has been substantially altered from that which was originally approved.
 - d. **Major Site Plan Amendments** are those which will trip the Minor plan site plan review thresholds to a major site plan review over any 5 year period.
4. The applicant may reclassify an application from a staff site plan review to a minor site plan review, and may request a hearing by the Planning Board, even if the amount of area proposed to be developed or renovated is under the threshold that would trigger Planning Board review, and even if staff has been in the process of reviewing the application. However, in order to do so, the applicant shall provide all submission materials required for a minor site plan review as set out in section C.3.b below.
5. The staff may require that any Site Plan application be reviewed by the Planning Board as a minor site plan review, even if the amount of area proposed to be developed or renovated is under the threshold that would trigger Planning Board review, if the staff review process is unable to adequately resolve all relevant issues raised by the site plan review process.
6. The Planning Board may, by majority vote, reclassify a minor site plan item on the agenda to a major site plan if the Board determines that there is credible conflicting technical information regarding the approval criteria, that the subject

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matter of the application is of significant public interest or that the application has generated a high level of interest in the immediate vicinity of the site.

7. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. Nothing in this Subsection shall be construed to prevent ordinary repair, maintenance, and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this Ordinance.

C. Administration [Amended 06/02/09]

1. The following procedure and requirements shall apply to all applications for site plan review:
 - a. Pre-application staff meeting required in the Commercial District.
All applicants intending to file a site plan review application for property located in the Commercial district shall, prior to filing an application, meet with town planning and code staff (or any other staff deemed to be necessary by the town for providing input on a proposal) to informally discuss the proposed project, the town's design guidelines, and site plan review criteria. The purpose of the meeting shall be to exchange information, to seek to identify issues in advance of detailed project design, and to discuss potential alternatives.
 - b. Planning Board pre-application meeting – optional.
Prior to formal application, an applicant may request an informal review of the site plan by the Planning Board to discuss the proposed project and the site plan review criteria, to determine its compliance with Town regulations, and to identify significant issues which will require additional analysis. This option is available to all applicants regardless of the classification of the Site Plan as described above. Such a request shall be in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.
 - c. Applications. [Amended 06/03/2014]
All applications for Site Plan Review shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose. The application shall be made by the owner of the property or by his agent, as designated in writing by the owner. The application for Site Plan Review shall be accompanied by the following fees:
 - (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.

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- (2) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the developer's application, as well as post-approval inspections, consultations and reviews of modifications, as deemed necessary by the Town for Minor and Major Site Plan applications. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the developer shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the developer and not spent by the Town in the course of its review shall be returned to the developer within sixty (60) days after a certificate of occupancy is issued for the project. The Town may, in its sole discretion, release the remaining escrow fees prior to the issuance of the certificate of occupancy if it determines that all professional reviews have been completed.

Fifteen (15) copies of the completed application for Site Plan Review, together with the documentation required in these regulations shall be submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard. However, any application, which is not complete, shall be returned to the applicant with an indication of the additional information required.

d. Design Guidelines.

The Town of Raymond Design Guidelines ("Design Guidelines") shall be reviewed and considered by all applicants proposing a site plan project located anywhere in the Commercial District. The Design Guidelines shall be considered by the Planning Board and the Staff when evaluating any site plan project located anywhere in the Commercial District.

The Design Guidelines are not ordinance requirements but are intended to assist applicants in designing projects which will comply with the ordinance requirements. Relevant portions of the Design Guidelines shall be considered, along with other relevant materials, by the Planning Board and the Staff, as guidance in determining whether an application meets the site plan Criteria

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and Standards in section E and the site plan Performance Standards of section F.

e. Peer review process *[Amended 06/03/2014]*

The Town may require a third party peer review for site plan applications as set forth in sections C.2, C.3 and C.4 below. A peer review is the review of an application by a third party expert consultant(s), other than the Town's Contract Planner and a report by the consultant(s) as to compliance or noncompliance with this Ordinance, including adherence to Design Guidelines, and advice by the consultant(s) of regarding procedures or submissions which could result in compliance. The consultants shall be fully qualified to provide the required information.

The consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in the project escrow account referenced in Section 1(c)(2) above. The consultants shall be fully qualified to provide the required information.

f. Timely action.

Within one hundred (100) days of the receipt of a completed application, the reviewing authority shall act to approve or disapprove the Site Plan as submitted or amended.

g. Public hearings and notification.

Prior to taking final action on any Site Plan Review application, the Planning Board will hold a hearing to afford the public the opportunity to comment on the application. Notice of the date, time, and place of such hearing shall be published in a newspaper of local circulation at least seven (7) days prior to the hearing. Further notice shall be sent by mail to property owners abutting the proposed project at least seven (7) days prior to the hearing.

Site Plan applications that are classified as a Staff Site Plan Review, shall not be required to receive a public hearing unless the application is heard and decided by the Planning Board. However, the Town shall give notification of the nature of applications that are classified as a Staff Site Plan Review, and the time and manner in which to review or comment on the application, by mail to the owners of all abutting property within fourteen (14) days of the date upon which the application is received and at least seven (7) days in advance of any final action on the application.

h. Approval part of Building Permit applications.

One copy of the approved site plan shall be included in the application for a building permit.

i. Communication with Historic Preservation Commission.

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An owner or his authorized agent shall submit information on the location of the development to the State Historic Preservation Officer (Maine Historic Preservation Commission, 55 Capitol Street, State House Station 55, Augusta, Maine 04333) with a request that the reviewing authority be notified of any comments. The applicant shall submit to the reviewing authority proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- j. Expiration of approval.
Site Plan and Subdivision Plan approvals shall expire and be void if the construction activity associated with the approval is not commenced within two (2) years, and completed within four (4) years after the date of the site plan or subdivision plan approval unless the reviewing authority, at the time of approval, establishes a different completion schedule, but in no case shall the initial approval period exceed five (5) years to commence and complete. A property owner/developer or their agent may request an extension of the period to commence and/or complete construction by submitting a request to the reviewing authority that issued the site plan or subdivision plan approval prior to the expiration of the initial term of approval. The reviewing authority may grant a one-time extension of up to two years to commence and/or complete construction. If construction is not commenced or completed within the approval time frame, the applicant must reapply for, and receive approval prior to beginning or continuing construction.

Projects approved as Phased Developments shall only be approved by the Planning Board, and the above expiration of approval terms shall apply to any one phase of construction activity.

For the purposes of this Section, this section, "commencement of construction" shall be defined to include, but not be limited to, any land/site or vegetation clearing, site disturbance, stockpiling or excavation of soil on the site property, or building expansion or alterations in accordance with the approved plans. The determination of whether construction has commenced shall be in the sole discretion of the Code Enforcement Officer. *[Amended 07/06/2017]*

2. The following procedure and requirements shall apply to **Staff Site Plan Review**: *[Amended 06/03/2014]*

- a. Review process.
Staff Site Plan Review shall be conducted at a meeting attended by the Town's Contract Planner and the Codes Enforcement Officer (the "staff reviewers"), or their designee. The staff reviewers may seek input from other Town departments including the Fire Department and the Public Works Department as needed. For applications classified as Staff Site Plan Review developments, the staff reviewers shall have the same powers and duties as the Planning Board. Completed and timely submitted applications classified as Staff Site

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Plan Review developments shall be reviewed and acted on by the next regularly scheduled Plan Review meeting following the submission deadline.

The staff reviewers shall approve, approve with conditions, or deny the application based on criteria in Article 10 of the Land Use Ordinance. In the event that the Town's Contract Planner and the Codes Enforcement Officer are unable to jointly make a determination on the application, the Code Enforcement Officer shall, after receiving and considering the recommendations of the Town Planner, have the authority to approve, approve with conditions, or deny the application based on criteria in Article 10 of the Land Use Ordinance. Any appeals from the decisions of the Staff Site Plan Review shall be taken directly to the Planning Board within 30 days of decision.

b. Submission requirements.

Applications classified as Staff Site Plan Review developments shall be required to submit application materials in accordance with the requirements in section D below except as follows. The following items listed in Section D.1 shall not be required unless the staff reviewers deem any of those items reasonable and necessary to insure that the requirements of the Ordinance are met and the staff reviewers specifically request those items:

- (b.) Narrative descriptions explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant's project.
- (c. 6.) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals;
- (c.7.) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees;
- (c.9.) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow;
- (c.10.) Existing soil conditions and soil suitability test results for septic waste disposal;
- (c.12.) Proposed traffic circulation and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- (c.14.) A stormwater management plan;
- (c.17.) Existing and proposed planting, fences and walks, including all landscaping and screening;

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- (c.23.) Description and plan of a "phase development concept" detailing the areas and sequence of phasing;
- (c.25.) Information on the amount and types of waste to be generated or materials to be stored, used, transported, or applied and the precautions, safeguards or methods that will be used to minimize the potential for groundwater contamination;
- (c.26.) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town-designated greenbelt, which occurs on the property.

The staff reviewers may require the applicant to submit additional studies or reports which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies or reports shall be borne by the applicant.

c. Review criteria

For applications classified as Staff Site Plan Review developments, only the portions of the lot or lots being proposed for development, or portions of any lot or lots under the common ownership or control of the applicant which will, or is likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan Criteria and Standards in section E and the site plan Performance Standards of section F.

For purposes of this subsection, "substantial change of use" shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing, or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage, or sewage disposal, or an increase in the amount of parking required under Article 9, Section C.

d. Planning Board pre-application meeting.

Prior to formal application for Staff Site Plan Review, an applicant may participate in an informal pre-application meeting with the Planning Board as set out in section C.1.b above.

In the event that issues arise in the course of the Staff Site Plan Review process that have not been resolved after consideration at two regularly scheduled Plan Review meetings, the staff reviewers may recommend an informal meeting with the Planning Board to discuss the proposed project, the unresolved issues, and the site plan review criteria to determine the application's compliance with Town regulations and to attempt to resolve the issues. The applicant may accept this recommendation in which case the applicant shall

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make a request in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

If the applicant does not accept this recommendation, the staff reviewers may make the recommendation to the Planning Board at its next regular meeting. If the Planning Board accepts the recommendation to conduct an informal meeting with the applicant, then the applicant shall make a request in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

e. Peer review.

Peer review process is not required for applications classified as Staff Site Plan Review developments but the staff reviewers may require a third party peer review of any aspect of the site plan review if the staff review process is unable to adequately resolve relevant site plan review issues and the staff determines that a peer review may resolve those issues.

3. The following procedure and requirements shall apply to **Minor Site Plan Review**: *[Amended 06/03/2014]*

a. Review process.

Applications classified as Minor Site Plan Review developments shall be reviewed by the Planning Board. Completed and timely submitted applications classified as Minor Site Plan Review developments shall be reviewed and acted on at the next regularly scheduled Planning Board meeting following the submission deadline.

b. Submission requirements.

Applications classified as Minor Site Plan Review developments shall be required to submit application materials in accordance with the requirements in section D below except as follows. The following items shall not be required unless the Planning Board deem any of those items reasonable and necessary to insure that the requirements of the Ordinance are met and the Planning Board specifically request those items:

- (c. 6.) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals;
- (c.12.) Proposed traffic circulation and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- (c.14.) A stormwater management plan;

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- (c.26.) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town-designated greenbelt, which occurs on the property.

The Planning Board may require the applicant to submit additional studies or reports which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies or reports shall be borne by the applicant.

c. Review criteria.

For applications classified as Minor Site Plan Review developments, only the portions of the lot or lots being proposed for development, or portions of any lot or lots under the common ownership or control of the applicant which will, or is likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan Criteria and Standards in section E and the site plan Performance Standards of section F.

For purposes of this subsection, “substantial change of use” shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing, or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage, or sewage disposal, or an increase in the amount of parking required under Article 9, Section C.

d. Planning Board pre-application meeting.

Prior to formal application for Minor Site Plan Review, an applicant may participate in an informal pre-application meeting with the Planning Board as set out in section C.1.b above.

e. Peer review

Peer review process is not required for applications classified as Minor Site Plan Review developments but the Planning Board may require a third party peer review if in the Planning Board’s judgment the project is sufficiently complex that it requires the expertise of a peer reviewer to evaluate the proposed site plan, including but not limited to stormwater management, traffic management, architecture, lighting or landscaping. The Planning Board may also require a third party peer review if in the Planning Board’s judgment there is credible conflicting technical information regarding approval criteria which peer review may assist the Planning Board to resolve.

4. The following procedure and requirements shall apply to **Major Site Plan Review**: *[Amended 06/03/2014]*

a. Review process

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Applications classified as Major Site Plan Review developments shall be reviewed by the Planning Board. Completed and timely submitted applications classified as Major Site Plan Review developments shall be reviewed and acted on at the next regularly scheduled Planning Board meeting following the submission deadline.

b. Submission requirements.

All submission required in Section D below shall be required unless specifically waived by the Planning Board.

The Planning Board may require the applicant to submit additional studies or reports which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The costs of all such studies or reports shall be borne by the applicant.

c. Review criteria.

For applications classified as Major Site Plan Review developments, the entire lot or lots being proposed for development, or any lot or lots under the common ownership or control of the applicant which will, or is likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan Criteria and Standards in section E and the site plan Performance Standards of section F.

For purposes of this subsection, “substantial change of use” shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing, or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage, or sewage disposal.

d. Planning Board pre-application meeting.

Prior to formal application for major review, an applicant shall participate in an informal pre-application meeting with the Planning Board to discuss the proposed project and the site plan review criteria, to determine its compliance with Town regulations, and to identify significant issues which will require additional analysis. The applicant shall make a request in writing and submitted at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

e. Peer review.

Peer review process is not required for applications classified as Major Site Plan Review developments, but the Planning Board may require a third party peer review if in the Planning Board’s judgment the project is sufficiently complex that it requires the expertise of a peer reviewer to evaluate the proposed site plan, including but not limited to stormwater management, traffic management, architecture, lighting or landscaping. The Planning Board

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may also require a third party peer review if in the Planning Board's judgment there is credible conflicting technical information regarding approval criteria which peer review may assist the Planning Board to resolve.

Peer review process for applications classified as Major Site Plan Review shall evaluate the proposed site planning (including but not limited to stormwater management and traffic management), architecture, lighting and landscaping proposed in the application unless any aspect of the required peer review is waived. Town staff shall begin the peer review process with the receipt of the application.

5. *[Deleted 06/03/2014]*

6. Performance Guarantees.

- a. The developer shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of Final Approval, a performance guarantee in the form of a certified check payable to the Town of Raymond, a performance bond running to the Town of Raymond, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.
- b. At the discretion of the Town Manager, the developer may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.
- c. A period of one (1) year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.
- d. Inspection of Required Improvements:
 - 1) At least fifteen (15) days prior to commencing construction of required improvements, the developer shall notify in writing the Code Enforcement Officer of the time when the developer proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required

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improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above;

- 2) At least five (5) days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Raymond, stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid;
 - 3) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the developer and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previously approved Plan;
 - 4) If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Manager, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board;
 - 5) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider;
 - 6) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
- e. The performance guarantee shall not be released by the Town Manager until:
- 1) The inspecting engineer has completed a final inspection of the project and has submitted a written report stating that all required public

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improvements as defined above have been completed in accordance with approved plans and specifications;

- 2) The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with the inspecting engineer's findings.
- 3) Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

D. Submission Requirements

1. When the owner of the property or the owner's authorized agent makes formal application for Site Plan Review, the application shall contain at least the following exhibits and information except to the extent any of these submission requirements are modified by the provisions of Section C.2.b pertaining to Staff Site Plan Review and Section C.3.b pertaining to Minor Site Plan Review above: *[Amended 06/02/09]*
 - a. A fully executed and signed application for Site Plan Review;
 - b. A narrative description explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant's project. *[Adopted 06/02/09]*

For any project located in the Commercial District, the applicant shall also submit a narrative which explains how the submissions and the proposed plans comport with the Raymond Design Guidelines, and where the submissions and the proposed plans do not comport with the Raymond Design Guidelines, the reasons why the applicant is proposing an alternative design. *[Adopted 06/02/09]*

- c. Fifteen (15) copies of a Site Plan, to include eight (8) full sized scaled copies, seven (7) half size/scaled copies or reduced plans to fit on an 11' x 17' sheet, and an electronic file in both PDF and GIS formats, drawn at a scale of not more than fifty (50) feet to the inch for that portion of the total tract of land subject to site plan review, and showing the following: *[Amended 06/03/15 and 06/06/17]*
 - 1) Name of owner and developer; and interest of the applicant if other than the owner or developer;
 - 2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend;

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- 3) Names and addresses of all owners of record of all adjacent property as they appear on Assessor's records;
- 4) Current zoning boundaries and one hundred (100) year flood plain boundaries including surrounding areas to a distance of three hundred (300) feet from the perimeter of the site;
- 5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property;
- 6) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals; *[Amended 3/ 20/99]*
- 7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk;
- 8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed;
- 9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within two hundred (200) feet of the subject property;
- 10) Existing soil conditions and soil suitability test results for septic waste disposal. The Planning Board also may require submission of a high intensity soils map;
- 11) Locations of proposed buildings and uses thereof;
- 12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curb lines, sidewalk lines, and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- 13) Location of existing and proposed public utility lines indicating whether proposed lines will be placed underground;
- 14) A stormwater management plan, prepared by a registered professional engineer, shall be designed so that the post-development stormwater runoff does not exceed the pre-development stormwater runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The

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stormwater plan shall be prepared in accordance with “*Stormwater Management for Maine: Volume III BMP’s Technical Design Manual*”, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The stormwater plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District or some other third party qualified to conduct such review, the cost of which shall be borne by the Applicant. *[Amended 12/2/08]*

Projects subject to Site Plan Review shall include the following: *[Adopted 12/02/08]*

- a) Phosphorus export calculations based on the “MAINE STORMWATER MANAGEMENT DESIGN MANUAL, Phosphorus Control Manual Volume II” (as published MARCH 2016 and as amended), issued by Maine DEP. or,
- b) Any project which requires a Stormwater Permit from the State of Maine DEP shall submit A Stormwater Management Plan designed in accordance with Section 4 of the State of Maine Chapter 500 Stormwater Regulations, Stormwater Standards (June 6, 2006, and as amended). *[Adopted 12/02/08]*

For Site Plan Review applications reviewed by staff, the Stormwater Management Plan must demonstrate conformance with the Stormwater Quality and Phosphorus Control provisions (point system) described in Article 9, Section X of this ordinance. *[Adopted 06/06/17]*

All Site Plan Review of back lots and back lot driveways shall ensure compliance with the minimum standards for stormwater runoff design and quality control in accordance with Article 9 – Minimum Standards, Section T Back Lots and Back Lot Driveways, 11, d, v and vi. *[Adopted 06/06/17]*

- 15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls;
- 16) Proposed location and direction of, and time of use of outdoor lighting;
- 17) Existing and proposed planting, fences and walks, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed including design features intended to

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integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors;

- 18) Location, size, design, and manner of illumination of signs;
- 19) Disposal of sewage, trash, solid waste, oily waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas;
- 20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances, and radii of curves including the name and seal of the registered land surveyor who prepared the plan;
- 21) Description and plan of capacity and location of means of sewage disposal and evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) approved by a registered engineer or soils scientist;
- 22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by this Article 10, Section F.1 for the uses proposed, the number of employees expected per shift, and the total floor area of proposed commercial or industrial uses;
- 23) Description and plan of a "phase development concept" detailing the areas and sequence of phasing;
- 24) A notarized statement by the developer explaining how the developer intends to comply with the performance guarantee requirement of Article 10, Section C.3.a; *[Amended 3/20/99]*
- 25) When a proposed use is over a State-designated sand and gravel aquifer, information on the amount and types of waste to be generated or materials to be stored, used, transported, or applied on an annual basis, and the precautions, safeguards or methods that will be used to minimize the potential for groundwater contamination;
- 26) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town-designated greenbelt, which occurs on the property.
- 27) An erosion and sedimentation control plan shall be prepared in accordance with the "*Maine Erosion and Sediment Control: Best*

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Management Practices", latest revision, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided: *[Amended 12/2/08]*

- a) The name, address, and telephone number of the applicant.
- b) The name, address, and telephone number of the person responsible for implementing the plan.
- c) A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.
- d) Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
- e) A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
- f) Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
- g) Description of temporary and permanent erosion control practices that will be used.
- h) Identification of the locations of the temporary and permanent erosion control practices.
- i) Identification of how, where and when collected sediment will be disposed.
- j) Dust control measures.
- k) Inspection and maintenance procedures, including schedule and frequency.
- l) Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

The Board may require the review and endorsement of this plan by the Cumberland County Soil and Water Conservation District at the applicant's expense.

2. Upon request, the Planning Board may waive the necessity of providing any of the foregoing planning information that is not relevant to the proposed development.

E. Criteria and Standards

1. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as

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inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

a. Preservation of Landscape.

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

If a site includes a ridge or ridges which are elevated above the surrounding areas and provide scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Buildings shall be located so that they are not clearly visible from surrounding areas. Siting away from the skyline, plantings, and buffering landscaping are potential methods of preserving the scenic vista.

The Planning Board shall consider the comments of the State Historic Preservation Officer, if any, and may require that significant archaeological sites be preserved to the maximum extent possible both during construction and following completion of the development.

b. Relation of Proposed Buildings to the Environment.

Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.

c. Vehicular Access.

The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts.

d. Parking and Circulation.

The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.

e. Surface Water Drainage

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Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in stormwater runoff from developed areas. *[Amended 12/2/08]*

f. Utilities.

The site plan shall show what provisions are being proposed for water supply and wastewater disposal. Electric, telephone, and other utility lines shall be installed underground.

g. Special Features.

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

h. Exterior Lighting.

All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

i. Emergency Vehicle Access.

Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

j. Landscaping.

Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas.

k. The standards and regulations set forth in Article 9 of the Land Use Ordinance shall be adhered to where applicable.

F. Performance Standards

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The following performance standards shall apply to all site plans, provided, however, where the Planning Board finds that, due to special circumstances of a particular plan, the provision of certain required performance standards which are not requisite in the interest of public health, safety and general welfare, the Planning Board may waive such requirements, subject to appropriate conditions.

1. Parking Area Design Standards.

- a. Access - There shall be adequate provisions for ingress and egress to all parking spaces. The width of access drives or driveways shall be determined as part of Site Plan Review, depending on use, topography and similar consideration. They shall meet the requirements of this Article.
- b. Size of Aisles - The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle (degrees)	Aisle Width (feet)
0 parallel parking	12
30	12
45	14
60	18
90 (perpendicular parking)	24

- c. Off-Street Parking - Off-street parking requirements shall conform to Article 9, Section C.
- d. Parking Lot/Pavement setbacks. Each parking lot shall be designed to provide adequate pavement setbacks from Public and Private Streets as well as abutting property owners. Parking lots with total parking spaces under 25 spaces may have pavement setbacks reduced by 50% with a waiver request from the Planning Board. Below are the minimum pavement setbacks for the various zoning districts.

For Rural and Rural Residential Districts-Minimum Pavement setbacks are:

20 Feet for Front and Side Yard
25 Feet for Rear Yard

For Village Residential, Commercial, and Industrial Districts-Minimum pavement Setbacks are:

10 Feet for Front Yard

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25 Feet for Rear Yard
15 Feet for Side Yard*

* Side Yard may be reduced to 5 Feet if the Parking Areas are planned on both sides of the common side property line.

Parking lots within the Village Residential and Commercial Districts may have the pavement setback reduced completely for the front yard with a waiver request and compensation of landscaping. *[Adopted 06/03/14]*

- e. Each parking lot shall incorporate vegetated buffer(s) (landscaped or natural) into the parking lot design. No setbacks are required around a parking edge, if the parking is adjacent to the principle or accessory building or active/recreative area associated with the land use. Minimum naturally vegetated (no cut) buffers are necessary from external property lines and shall be as follows:

For Rural and Rural Residential Districts:

20 feet for rear yards
15 feet for front and side yards

For Village Residential, Commercial, and Industrial Districts:

20 feet for rear yards
10 feet for front yards, side yards*

*If Side yard abuts against a common property line with an adjoining parking lot, then no formal buffer is required as long as the area/strip between the two parking lots clearly prohibits vehicle access other than at designated cross driveways, aisles, or other controlled access locations.

Planted landscape areas/buffers may be placed in lieu of a natural vegetated buffers but must contain species a minimum of ~~6~~3.5 feet tall for 50% of the buffer area within the front yard and 6.0 feet tall for 50% or the rear yard setback. Landscape buffers shall be the responsibility of, and maintained by the owner or applicant, and must be delineated on the approved site plan. Parking lots with total parking spaces under 25 spaces may have buffer and landscape requirements reduced by 50%.

Parking lots in the Village Residential and Commercial District requesting reduction in the front yard setback must provide at least 50% of the difference between standard front yard buffer area and the front yard buffer area proposed by providing internal landscaping. Internal landscaping shall be implemented through the use of green space areas or plantings, such as but not limited to islands, grass areas/ strips, planting beds or decorative planters. Landscaped areas maintained by the applicant, within the street rights of way along the lot's street frontage may be considered as landscape

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compensation with permission from the Town, or State of Maine Department of Transportation. *[Adopted 06/03/14]*

f. Parking Areas associated with building development greater than 5,000 SF total new structure or greater than 50% expansion an existing building footprint, from the time of this ordinances adoption shall be designed to incorporate internal landscape areas, islands or strips , within the internal parking lot. The total area of parking islands or “internal green spaces” shall be no less than 5% of the impervious coverage for the portion of Parking Area necessary for the new building or addition. No less than 100 SF shall be contained in any one internal landscape area. For building additions meeting the requirements above, where existing parking areas must be expanded to meet parking need, the internal landscaped areas required for the portion of new Parking Area may meet this requirement by adding, or converting existing impervious areas to, new islands or green spaces within the existing parking areas. Access drives from the primary street entrance(s) to the parking lot will not be considered in this equation. The use of porous concrete, bituminous pavement, or other materials which promote direct infiltration over all or a majority of footprint of the parking lot for this specific purpose, shall not be considered an impervious surface for this calculation. It shall be the at the Planning Board's discretion as to whether the design of a “porous pavement” parking lot meets this criteria such that it may alleviate the requirement for internal islands. *[Adopted 06/03/14]*

g. General Loading Dock Locations. No loading areas shall be located in a minimum required front yard, rear or side yards. All loading shall be located in bays generally perpendicular to driveways or access ways. All loading bays should be located behind the structure and orientated such as it is perpendicular with the street and/or rear yard. *[Amended 06/03/14]*

h. Sidewalk and Curbing - Sidewalks between Parking Areas and principal structures along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of five (5) feet of passable area and shall be raised six (6) inches or more above the Parking Area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of two and one-half (2 1/2) feet is provided to accommodate such overhang. *[Amended 06/03/14]*

2. Lighting of Parking Areas.

The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use. All parking areas to be lighted shall provide a minimum of three (3) foot-candles at intersections and a total average illumination of one and one-half (1 1/2) foot-candles throughout the parking areas as required. Such lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or the traveling public.

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3. Marking and Delineation of Parking Areas.

Parking stalls, driveways and aisles shall be clearly marked and delineated. The Planning Board may require that certain areas be maintained for fire-fighting or other emergency purposes, and such areas shall be appropriately designated.

4. General Circulation and Parking Design Principles.

- a. Parking space allocations should be oriented to specific buildings.
- b. Parking areas should be designed to focus on major walkways, which should be fenced or marked.
- c. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result. A one-way car movement (to the left or counterclockwise) should be encouraged. A major loop road should be developed around the parking areas, and parking bays should run perpendicular off the road.
- d. Driveways should approach from the right to permit passengers to alight to or from the sidewalk.
- e. Whenever possible, one-way traffic should be established at building entrances.
- f. Where buses are a factor, bus shelters and bus indentation slots off the roadway should be provided.

5. Parking Surfaces [*Adopted 06/03/14*]

All Parking Areas shall be designed with durable surfaces able to support the weight class of vehicles anticipated to normally travel over the surfaces. Surfaces shall be of compacted material, unsusceptible to settlement, change in general form, shape, or physical characteristics due to vehicular movements, drainage conditions, seasonal impacts, or other normal activities associated with the site during or post construction.

- a. All parking lot surface materials shall encourage protection of surface water quantity, quality, and discourage erosion and sedimentation, and thermal pollution impacts.
- b. All parking lot surfaces shall be specified by a professional engineer to assure the design will remain durable with suitable base materials to support the

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final surfacing and anticipated vehicular loadings, and address impacts due to existing conditions such as but not limited to unsuitable soils, groundwater, or soil contamination.

6. Waiver for Off Street Parking, Loading and Front Buffer or Landscaped Area Requirements. *[Amended 06/03/14]*

If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the applicant's operation or use, the off street parking or loading areas, or front yard buffer, or internal landscaped areas, or strips/islands, requirements of this section are unnecessary or excessive, the Planning Board shall have the power to approve a site plan that does not meet said requirements, provided the applicant requests a waiver in writing of the specific performance standards they cannot meet, and clearly address the waiver criteria as follows:

- a. The need to alter the parking standard is due to existing physical property limitations due to geometric lot configurations, topography, and presence of a dominant land or structural features, all in existence prior (insert date of adoption of amendments).
- b. The approval of the waiver request will not create a harmful condition, impose on the general welfare, or lesson public safety by implementation of the proposed use and/or site improvements, to existing pedestrian and vehicular traffic movements.
- c. The approval of the waiver request will not in any way impair or harm the environment by means of drainage flow quantity or runoff water quality, nor will have a direct impact on wetlands, streams, flood plains, vernal pools, sensitive waterbody, threatened or endangered wildlife resource, or essential habitat.
- d. The approval of the waiver requested will not result in an adverse impact to immediate abutters, or the public, by creating obtrusive noise, lights, dust, odors, vibrations, or by creating negative impacts to scenic views.
- e. The approval of the requested waiver is based on evidence of need provided by the applicant, and by evidence showing that no feasible alternative is available to accomplish the applicant's parking requirement or immediate parking needs, and that the design features as proposed, considered goals set forth in the Town of Raymond Design Guidelines for Parking Areas and to the greatest extent practical applied to those recommendations. The applicant shall provide a written response describing how and where the proposed project incorporates the Design Guideline goals and recommendations.

7. Entrances Location and Design.

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- a. All entrance and exits shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
- b. Any entrance or exit shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the entrance/exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curbline or edge of shoulder with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

Allowable Speed (miles per hour)	Required Sight Distance
25	250
40	400
45	450
50	500
55	550

- c. Where a site occupies a corner of two (2) intersecting roads, no entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
 - d. No part of any entrance or exit shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit an entrance or exit serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
 - e. Where two (2) or more two-way entrance/exits connect a single site to any one (1) road, a minimum clear distance of one thousand (1,000) feet measured along the right-of-way line shall separate the closest edges of any two (2) such entrance/exits onto a major road. Such entrance/exit onto a minor road may be four hundred (400) feet apart.
 - f. For all developments adjacent to a major road, provision shall be made for vehicular circulation connections to adjacent developments or future projects on adjacent properties where feasible. Where appropriate and feasible, shared circulation roads for major non-residential projects shall be located between 150 feet and 300 feet from the major road in order to minimize conflicts with major road traffic.
8. Driveway Angles.
- a. Two-way operation - Entrances or exits used for two-way operation shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees.

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- b. One-way operation - Entrances or exits used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road unless acceleration and deceleration lanes are provided.

9. Entrance/Exit Dimensions.

The dimensions of entrances or exits shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required maximum and minimum dimensions for entrance/exits are indicated below. Entrance/exits serving large volumes of daily traffic or traffic of over fifteen (15) percent, truck traffic shall be required to utilize high-to-maximum dimensions.

	One-way Operation Entrance/Exits * Width (feet)	Two-way Operation Entrance/Exits * Width (feet)
3 to 10 dwelling units	10-15	15-25
10 dwelling units or over	15-25	20-35
Commercial and industrial	15-30	25-35

* All entrance/exits shall be five (5) feet wider at the curbline and this additional width shall be maintained for a distance of twenty (20) feet into the site.

10. Entrance/Exit Surfacing.

Any driveway shall be constructed with the surface approved by the Planning Board in accordance with the specifications of the Code Enforcement Officer. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required entrance/exit dimensions specified above.

11. Entrance/Exit Profile.

Any vertical curve on an entrance or exit shall be flat enough to prevent the dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed curb entrance/exit as to cause the ramp to be too steep and be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.

12. Entrance/Exit Grades.

Entrances or exits shall not have a grade in excess of ten (10) percent over the entire length. On arterials the grade shall not be more than three (3) percent for the first twenty-five (25) feet from the road unless otherwise approved by the

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Planning Board. Entrance/exits shall not be located where visibility is limited because of curves or topography.

13. Road Standards.

- a. When a project entails the construction of public or private ways, these ways shall conform to Town standards as described in the Raymond Street Ordinance.
- b. No development that requires Planning Board approval shall be allowed on parcels that do not have frontage on Town approved roads or the connecting road shall be brought up to Town standards and maintained by the developer until such time as the road is taken over by the Town or a road association.
[Adopted 5/20/89]

14. Lighting.

In connection with every site plan, the applicant shall submit plans for all proposed interior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specifications sheet and the intensity in foot-candles. The following design standards shall be followed:

- a. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- b. The maximum height of freestanding lights shall be the same as the principal building but not exceeding twenty-five (25) feet.
- c. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
- d. Where lights along property lines will be visible to adjacent residents, the lights should be appropriately shielded.
- e. Spotlight-type fixtures attached to buildings should be avoided.
- f. Freestanding lights shall be so located and protected as to avoid being easily damaged by vehicles.
- g. Lighting should be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
- h. Pathways, sidewalks and trails should be lighted with low or mushroom-type standards.

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- i. Stairways and sloping or rising paths, building entrances and exits require illumination.
- j. Lighting should be provided where buildings are set back or offset.
- k. The following intensity in foot-candles should be provided:
 - 1) Parking lots: an average of one and five-tenths (1.5) foot-candles throughout.
 - 2) Intersections: three (3) foot-candles.
 - 3) Maximum at property lines: one and zero-tenths (1.0) foot-candle.
 - 4) In residential areas: average of six-tenths (0.6) foot-candle.
- l. Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or to neighbors. In particular, so-called "string lights" shall not be permitted.

15. Buffers.

Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance on the site or from adjacent areas. The following guidelines apply:

- a. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two (2) or three (3) rows of staggered plantings. The rows should be five (5) feet apart and the evergreens planted four (4) feet on center.
- b. Buffers shall be considered in or for the following areas and purposes:
 - 1) Along property lines, to shield various uses from each other.
 - 2) Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
 - 3) Parking areas, garbage collection areas, and loading and unloading areas.
 - 4) To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
- c. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
- d. Buffers shall be sufficient to shield structures and uses from the view of non-compatible abutting properties and public roadways, and to otherwise prevent

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any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.

- e. Fencing and screening shall be durable and properly maintained at all times by the owner.
- f. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- g. All buffer areas shall be maintained in a neat and sanitary condition by the owner.

16. Site Conditions.

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition that could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Building Inspector prior to issuing an occupancy permit.
- c. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Building Inspector. All the changes necessitated by field conditions shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, the changes shall be shown on the as-built plans.
- d. Temporary improvements. Prior to or during construction, the Building Inspector may require the installation or construction of improvements to prevent or correct temporary condition on the site which could cause personal injury, damage to property or erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guardrails, temporary roads and others appropriate to the specific condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Building Inspector.

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17. Environmental Considerations: The site plan shall be designed in accordance with applicable Town regulations designed to protect the environment.
- a. Conservation, erosion and sediment control. The following measures shall be included where applicable as part of any Site Plan Review and approval:
- 1) Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - 2) Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - 3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - 4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 5) Disturbed soils shall be stabilized as quickly as practicable.
 - 6) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - 7) The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - 8) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - 9) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at the developer's expense as quickly as possible.
 - 10) It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed.

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- 11) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
 - b. Hazardous Matter. For any toxic or hazardous matter storage as defined in 38 M.R.S.A., Sec. 13, the Planning Board may require:
 - 1) An environmental evaluation of the geologic, hydrologic, and soils conditions of the site;
 - 2) A description of wastes to be stored, the storage method, and the disposal method;
 - 3) Information as to the existing ground water quality around the site, and a system to monitor any changes should contamination occur;
 - 4) Findings and use of hazardous matter must be shown to be consistent with other local and state regulations.
 - c. Odors. Adequate provisions must be made to control the emission of odors from the site, in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction odor levels.
 - d. Noise. Adequate provisions must be made to control unnecessary noise from and at the site in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction noise levels.
 - e. Vibrations. Adequate provision must be made to control vibrations in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction vibration levels.
 - f. Unique Features. Adequate provision must be made to mitigate adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places, or other features of importance to the Town.

Developers shall be encouraged to retain any existing trail system that crosses the property or to re- route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.
18. When firefighting water supply or hydrants are required but not located within a proposed or existing right of way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use.
[Adopted 3/15/97]

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As adopted May 21, 1994 amended June 4, 2013
ARTICLE 11 – LEGAL STATUS PROVISIONS

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A. Conflict with Other Ordinances

1. This Ordinance replaces the Zoning Ordinance of the Town of Raymond, which is hereby repealed except that it shall remain in full force for the trial and punishment of all past violations of it and for the recovery of penalties and forfeitures already incurred.
2. The regulations of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare provided, however, that where this Ordinance is found to be in conflict with any other lawfully adopted ordinances, codes, covenants, or regulations, the provision which imposes the higher standard or is the more restrictive shall prevail.

B. Separability

If any section, subsection, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this Ordinance and to that end the provisions of this Ordinance are hereby declared to be severable.

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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 this Ordinance shall carry their customary dictionary meanings. For the purposes of this Ordinance, certain words or terms used herein are to be construed or defined as follows:

"Town" or **"Municipality"** means the Town of Raymond.

Accessory Apartments - A separate dwelling unit of no more than 700 square feet, excluding stairways, either attached or detached, and located on the same parcel with a single family dwelling. The apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit. *[Amended 06/03/15]*

Accessory Use or Structure - 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. *[Amended 06/03/15]*

Affordable Housing - Housing which can be afforded by households at or below eighty (80) percent of the Town's median household income, as specified by the Maine Department of Economic and Community Development or the Maine State Planning Office. In making a determination of the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed thirty (30) percent of the eighty (80) percent median household income figure. Shelter expenses shall include mortgage and/or rental costs, taxes, homeowner/tenant insurance, heat and utilities.

Agriculture - The production, keeping or maintenance for sale or lease, of plants, trees, animals or honeybees, 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.

Alteration to Impervious Area - An alteration to an existing impervious area through addition of low-permeability materials, re-grading of the area or other disturbance, addition or reconfiguration that results in a change in the existing drainage

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pattern or the functionality of the drainage system, a change in the permeability of the area, a change in the area or pattern of any compaction, or any other change which affects the existing infiltration of stormwater. Alteration to impervious does not mean the paving, blacktopping, sealing, painting, or maintaining of an already impervious surface unless one of the criteria above has been met. *[Adopted 06/02/09]*

Amusement Parks - A permanent recreational park equipped with amusements such as Ferris wheels, waterslides or other such equipment and facilities. Miniature golf courses shall be considered an amusement park for the purposes of this section.

Automobile Graveyard – The definition in Title 30-A, Section 3752, as it may be amended from time to time, is incorporated herein. *[Adopted 3/17/01]*

Automobile Recycling Business – The definition in Title 30-A, Section 3752, as it may be amended from time to time, is incorporated herein. *[Adopted 3/17/01]*

Automobile Storage Lot – A lot or part thereof that is used for the sale and/or storage of any three (3) or fewer automobiles, trucks and/or other motorized vehicles, as defined in Title 29-A, section 101, subsection 42, that are not registered and/or do not have a current state inspection sticker, or parts of such vehicles, and that are not enclosed in a permanent structure. A business that buys and sells vehicles for immediate inspection and registration by new owners after sale is not an automobile storage lot. *[Adopted 3/17/01]*

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.

Back Lot Driveway - A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street, Town accepted street or from a road constructed in accordance with the Town of Raymond Street Ordinance standards for a private street.

Boarding Home - Any dwelling in which lodging is offered for compensation to three (3) or more persons either individually or as families with or without meals.

Buffer Strip - An area or belt of land covered with trees or other vegetation that serves to protect a body of water from the adverse effects of development.

Buildable Area - The portion of the lot remaining after required yards have been provided.

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Building - Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals or chattel.

Building Inspector - The inspector of buildings for the Town of Raymond or any duly authorized person.

Campground - Land upon which one or more tents are erected or trailers are parked for temporary recreational use on sites arranged specifically for that purpose. The word "campgrounds" shall include the words "tenting grounds" and "trailer parks."

Camper - For the purposes of this Ordinance, a "camper" shall be treated in all respects as a trailer.

Conditional Use - A use that would not be appropriate generally or without restriction throughout the land use district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in said land use districts as conditional uses, where specific provision for such conditional use is made in this Ordinance. Any land use not listed in the Ordinances must go to the Board of Appeals before approval. *[Adopted 5/20/89]*

Condominium - As defined in the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes, as such may be amended from time to time. *[Amended 8/7/07]*

Developable Area – For individual house lots, developable area is the portion of the lot deemed suitable for building and not comprised of land that is unsuitable for development due to limitations based on the presence of wetlands, floodplains, or steep slopes. For larger parcels or tracts of land proposed for subdivision or other development, the developable area is the amount of land remaining after deductions are made for unsuitable land using the net residential area calculations. In such developments, the developable area is used to determine the maximum number of lots or dwelling units that will be permitted on the land parcel or tract, rather than using the gross acreage. *[Adopted 8/7/07]*

Diversion Ditch - A ditch constructed across the slope to divert water away from the area under development.

Dwelling - A building or part thereof used for living quarters for one (1) or more families.

Dwelling Unit - One (1) or more habitable rooms designed, intended or used for living quarters by one (1) or more persons living together as a family, with living, sleeping, sanitary, and cooking facilities, including within the meaning of cooking facilities a stove, hot plate, microwave oven, or other device for heating or cooking food. The term

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shall include manufactured houses and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

1. Permanent or year round - A dwelling unit so constructed as to be suitable for occupancy three hundred sixty-five (365) days of the year.
2. Seasonal - A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

Duplex – A building with two dwelling units.

Driveway – Access route or right-of-way to any single family dwelling, duplex, or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed non-residential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All non-residential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in Article 10-Site Plan Review, F. Performance Standards. *[Amended 6/7/16]*

Elderly Housing – a building or group of buildings containing three or more dwelling units which are limited for a period of at least 50 years by restrictive covenants recorded in the Cumberland County Registry of Deeds to use only as “housing for older persons,” as defined in the Federal Fair Housing Act, as that act may be amended.¹

Emergency Operations - Emergency operations shall include 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 and livestock from the threat of destruction or injury.

¹ Under the definition in the Federal Fair Housing Act in effect at the time of adoption of this ordinance definition (42 U.S.C. § 3607(b)(2)), “housing for older persons” means any one of the following:

- (1) a dwelling which the federal Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons under a federal or state government program;
- (2) a dwelling intended for and occupied solely by persons who are 62 years of age or older; or
- (3) a housing facility or community intended and operated for occupancy by persons 55 years of age or older and in which:
 - 1) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older,
 - 2) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate for occupancy by persons 55 years of age or older, and the housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.

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Erosion Control - The placement of vegetation, such as grasses and wildflowers, and other materials, such as straw, fiber, stabilizing emulsion, protective blankets, etc., on areas disturbed by grading operations. Erosion control measures reduce the loss of soil due to the action of water or wind and minimize water pollution.

Family - One (1) or more persons occupying a premise and living as a single (1) housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

Flood Insurance Rate Map - That map identifying areas of special flood hazard within the town prepared by the Federal Emergency Management Agency, as most recently revised, finally approved and effective.

Forest Management Activities - Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.

Frontage - See Lot Frontage.

Gross Development Area - Any area disturbed by development such as clearing, cutting, filling, excavation, or paring.

Gross Floor Area - The sum in square feet, of the total horizontal area of all floors of a building, as measured from the interior faces of the outside walls. Non-daylight basements should not be included in the calculation of Gross Floor Area unless it has usable access from the outside and serves a function that would typically provide public access. Daylight basements should be included in calculating Gross Floor Area.
[Adopted 06/02/09]

Height of Building - The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds (2/3) of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. The height limits of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, conveyors, derricks, radio and television towers, and similar structures not intended for human occupancy. *[Amended 8/7/07]*

Home Occupation - An occupation or profession that is customarily carried on in a dwelling unit and clearly incidental and secondary to the use of the dwelling unit for

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residential purposes. A home occupation must conform to the standards set forth in Article 9 of this Ordinance.

The following are examples of permitted uses under this definition:

1. Beauty Shop; 2. Arts and Crafts studio or shop; 3. Professional Office; 4. Woodworking; 5. Day Care Center; 6. Seamstress/Tailor; 7. Small engine repair excluding motorized vehicles such as mopeds, motorcycles, ATV's and snowmobiles. No retail sales of repaired goods shall be permitted.

The following uses are specifically prohibited as a home occupation:

1. Auto repair, 2. Auto body repair.

Impervious Area - The area that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. *[Adopted 06/02/09]*

Independent Parking Facility- An outdoor storage area for motor vehicles, or enclosed garage or structure for storage of motor vehicles, which is the sole use of the lot or parcel. This definition includes areas such as tow yards or compounds not associated with a garage or vehicle repair use. *[Adopted 06/03/14]*

Industrial Structure - Any building or structure, except a dwelling intended for the making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing. The term shall include any building or structure, which houses goods or equipment for that purpose.

Industrial Use - The making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing.

Junk Yard – The definition in Title 30-A, Section 3752, as it may be amended from time to time, is incorporated herein. *[Amended 3/17/01]*

Landscaped Buffer Strip - An area of land comprised of existing vegetation or which is landscaped with grass or bark mulch and shrubs or trees. Crushed rock or materials such as concrete or asphalt and green paint are not acceptable materials for the development of a landscaped green strip. Parking and display of items for sale or trade shall not be permitted in the landscaped buffer strip.

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Lot - A parcel of land in single (1) ownership, and having frontage upon a approved street or having a private right-of-way whose width shall not be less than that width used as a minimum standard for public rights-of-way.

Lot Structural Coverage - The portion of a lot that is covered by structures, generally expressed as a percentage of the total lot area. *[Adopted 8/7/07][Amended 6/7/16]*

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.

Manufactured Housing - A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For the purpose of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes" or "Type 1 Manufactured Homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, constructed with a pitched roof, and with frost wall, grade beam or concrete slab, which shall be designed, if a single unit, to accept T or L additions and shall be so sited so that the longest structural dimension is not more than thirty degrees (30) from parallel with the street or road upon which the lot fronts or, on a corner lot, the more heavily traveled street or road upon which the lot fronts, and which are built on a permanent chassis and designed to be used as dwellings, with permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.

This term also includes any structure, which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.; and

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2. Those units commonly called “modular homes” or Type 2 Manufactured Homes, which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Mobile Home Park - A parcel of land under unified ownership approved by the Town of Raymond for the placement of three (3) or more manufactured housing units.

Mobile Home Park Lot - The area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Mobile Home Park Subdivision or Development – A parcel of land approved by the Town of Raymond for the placement of manufactured houses on individually owned lots.

Multi-Family Dwelling – A building with three or more dwelling units. *[Adopted 5/21/05]*

Municipal Officer – Any member of the Board of Selectmen of the Town of Raymond.

Municipal Official – Any member of any Board appointed by the Board of Selectmen of the Town of Raymond, any administrative employee of the Town and the Board of Selectmen.

Net Residential Area – A calculation that deducts from the total area of a land parcel or tract all land that is not considered buildable or suitable for development, leaving the land area allowed for calculating Net Residential Density. *[Amended 8/7/07]*

Net Residential Density – The maximum number of dwelling units allowed on a parcel or tract of land after performing the Net Residential Area calculation and dividing the resulting area by the minimum lot size for the zoning district where the parcel or tract of land is located. *[Amended 8/7/07]*

Normal High Water Mark of Inland Waters – That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to the following plants and plant groups water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady

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slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

Nursing Home - Any dwelling in which three (3) or more aged, ill, chronically ill, or incurable persons are housed and furnished with meals and nursing care for compensation.

Open Space Subdivision – a subdivision in which the dimensional requirements are reduced below that otherwise required in return for permanently preserved open space.

Owner - Any person, firm, corporation or other legal entity that controls a parcel of land by a fee or less than fee title, or is party to a valid contract or option to purchase said title.

Parking Area – An outdoor storage area for motor vehicles that is not located on a street right of way. *[Adopted 06/03/14]*

Plunge Pool - A stone-lined pool below the elevated outlet of a drainage culvert used to reduce the erosive force of water.

Pond - Any inland body of water which has a surface area in excess of ten (10) acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

Privy - A pit in the ground into which human excrement is placed.

Public Places - Public parks; playgrounds; trails; paths; other recreational areas; other public open spaces; scenic and historic sites; schools and other public buildings and structures.

Recent Flood Plain Soils - Recent flood plain soils include the following soils as described and identified by the National Cooperative Soil Survey:
Alluvial land; Hadley silt loam; Limerick fine sandy loam; Ondawa fine sandy loam; Podunk fine sandy loam; Rumney fine sandy loam; Saco Silt loam; Suncook loamy sand; and Winooski silt loam.

Retail Convenience Shops - Any retail business establishment catering primarily to the needs of residents in its vicinity for goods or services housed entirely within a building of which the total floor area does not exceed two thousand (2,000) square feet; the term includes, but is not limited to grocery, hardware, and drug stores, but not eating facilities.

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Riprap - Large, loose, angular or rounded stone used as a permanent erosion-resistant ground cover.

River - Any free-flowing body of water from that point at which it provided drainage for a watershed of twenty-five (25) square miles to its mouth.

Road - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles.

Road-Crossing of a Watercourse - That portion of road that traverses a river or a body of standing water.

1. Major Road-Crossing of a Watercourse – A road crossing of a stream or water body that appears on the USGS topographical maps.
2. Minor Road-Crossing of a Watercourse – A road crossing of a stream or water body that does not appear on the USGS topographical maps.

Ruins - Buildings or other structures that are destroyed or damaged by fire or other disasters. *[Amended 8/7/07]*

Secondary Access- Access routes, paths, or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any other non-primary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway. *[Amended 6/7/16]*

Sediment Basin - An embankment or shallow excavated pit or pond used to impound water in order to collect and store sediment and/or debris.

Sedimentation Control - Physical practices, such as installation of silt fence, stone check dams, sediment traps, etc., that help reduce the likelihood of eroded soil particles suspended in stormwater from being deposited in a stream, lake or other body of water.

Shipping Container - A roofed or unroofed container placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and "piggy-back" containers. The term storage container does not include:

1. A garage, barn or storage structure accessory to a principal use provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise.

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2. A “dumpster”-type container that is owned by a licensed waste hauler and is emptied no less than once a month provided that use of such container is incidental to the principal use of the property. *[Adopted 5/15/04]*

Sign - An attached or freestanding structure or part of a structure designed to convey to persons not on the premises some information, knowledge, or idea by means of letters, words, insignia, color, illuminated, or non-illuminated device or illustration. *[Amended 06/02/09]*

Sign Area - For the purposes of this Ordinance, the area of a sign shall be construed to be that part or surface used to convey a message but shall not include poles, standards or other parts that perform solely a weight bearing function.

Silt Fence - A pervious woven or non-woven material that is installed across or at the toe of a slope in order to slow the velocity of water and allow sediment to settle out. Silt fence is supported by metal or wooden stakes and is extended under the soil surface to prevent bypass of drainage water.

Storage Lot – A lot or part thereof that is used for the sale and/or storage of the following, which cover a total aggregate area of less than two hundred fifty (250) square feet and which are not enclosed in a permanent structure:

1. Used plumbing, heating supplies, household appliances and furniture;
2. Used lumber;
3. Old or used copper, brass, rope, rags, batteries, paper trash, rubber debris and tires, waste and scrap iron, steel and other ferrous or nonferrous material; and
4. Used snowmobiles, ATVs, boats and other machinery. *[Adopted 3/17/01]*
[Amended 5/15/04]

Street - A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this ordinance. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc.

- **Minor Street**- A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- **Private Street**- A street designed to serve as primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Streets are to be maintained by an owner, or ownership such as a homeowners association,

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and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine Professional Engineer.

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind. For the purpose of this Ordinance, fences and structures such as doghouses, tree houses designed for children's use and bus shelters shall not be considered structures. Antennas shall be considered structures. Utility poles shall be considered structures. Utility poles shall be considered structures for the purpose of required setbacks from the high water mark of any pond, lake, or river. *[Adopted 5/16/87]*

Structure Terms:

1. Principal Structure - The structure in which the primary use of the lot is conducted.
2. Accessory Structure - A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.
3. Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven (7) months in any period of twelve (12) consecutive months.
4. Permanent piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that are not removed from the water annually.
5. Single-family dwelling - A structure containing not more than one (1) dwelling unit. *[Adopted 5/16/87]*
6. Multi-family dwelling - A structure containing two (2) or more dwelling units. *[Adopted 5/16/87]*

Subdivision - A subdivision is a division of a tract or parcel of land as defined in Title 30, Section 4956 of the Maine Revised Statutes Annotated.

Subsurface Drainage Structure - Tile, pipe or tubing installed beneath the ground surface to collect and/or convey drainage water.

Temporary Check Dam - Small, temporary stone or log barriers constructed across a swale or drainage ditch to filter sediment out of drainage.

Timber Harvesting - The cutting or removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

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

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Travel Trailer - A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation, and vacation use.

Variance - A variance is a relaxation of the terms of this Ordinance where such will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Waterbody - A coastal or freshwater wetland, great pond, river, stream or brook, whether seasonal or perennial.

Wetland - Areas enclosed by the normal high water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including but not limited to swamps, marshes or bogs.

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ARTICLE 13 – OPEN SPACE SUBDIVISIONS

A. Introduction

1. Policy

It is the policy of the Town of Raymond to encourage the use of open space subdivisions in order to preserve a sense of space, provide for sustainable agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Raymond Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural, rural and village landscapes of the Town.

This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedure and to waive or reduce certain otherwise applicable standards and provisions of this Land Use Ordinance and the Subdivision Regulations if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design for the development of single and multi-family residential areas that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

2. Purposes

To qualify as an open space subdivision, that Planning Board must find that the subdivision will achieve all of the following purposes that are applicable to its specific circumstances:

- a. Long term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan, the Subdivision Regulations, and the Land Use Ordinance including but not limited to:
 - 1) State-defined critical areas, and unique natural features located on the parcel to be subdivided;
 - 2) Historic land use patterns and historic structures;
 - 3) Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;

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- 4) Contiguous stands of mature trees;
 - b. Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;
 - c. Provision of adequate buffers for adjoining properties where needed;
 - d. Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;
 - e. Conservation of land suitable or actively used for agriculture and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
 - f. Conservation of traditional land uses;
 - g. Creation of choices in the type of environment (business or residential) and type of housing available that will be a long-term asset to Raymond;
 - h. Construction of affordable housing;
 - i. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
 - j. Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.
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

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or more lots. Subdivisions of fewer than five (5) lots shall not be developed as cluster subdivisions.

b. Conservation Density Subdivisions.

A conservation density subdivision achieves the purposes of this performance standard through the creation of significantly lower lot densities than what would be allowed in the applicable zoning district. In no event may the density of such a subdivision average less than ten (10) acres per principal structure, including the land placed in open space for the parcel or portion of the parcel to be developed. This low density is maintained in perpetuity through the use of permanent conservation easements or covenants and restrictions running with the land.

4. Grouping Contiguous Parcels

In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping will benefit the Town and that it helps achieve the purposes set forth in Article 13, Section A.2.

B. Planning Board Review

1. Pre-application

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.

2. Application Procedure

a. Required Plans

The submissions for an open space subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a

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conventional subdivision under the Subdivision Regulations and for Site Plan Review.

b. Waiver of Submission and Review Requirements

The Planning Board may grant appropriate waivers of submission requirements for an open space subdivision in order to expedite and make the review process more efficient where the number of lots proposed for development in a parcel, is five or fewer within any five-year period, or the proposed open space subdivision is a conservation density subdivision.

C. General Requirements

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of the Land Use Ordinance or the Subdivision Regulations:

1. Use and District Requirements

All open space subdivisions shall meet the use standards of the Districts in which they are located.

2. Allowable Density

a. The allowable density for a proposed development of five or fewer lots within any five-year period of a parcel of land under one ownership or a grouping of contiguous parcels as described in Article 13, Section A.4 shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district without reference to net residential acreage.

b. Reserved. *[Repealed 6/7/11]*.

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 Net Residential Area Calculation contained in Article 8, section A and increase it by 20%; then *[Amended 5/21/05]*

2) 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]*

d. A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

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- e. A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.
- f. Any affordable housing density bonus provision provided for in the Land Use Ordinance or the Subdivision Regulations shall also apply within clustered residential projects.
- g. In a conservation density subdivision, where all other requirements of this performance standard are met, the Planning Board may include up to 50% of land in Resource Protection zones and wetland areas for purposes of calculating density.

3. Layout and Siting Standards

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

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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.
- h. In locations least likely to block or interrupt existing trails, trail systems or other traditional recreational travel corridors such as snowmobile routes.
- i. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, to improve the view from and of buildings.

4. Space Standards

- a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the zoning district.
- b. Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.
- c. In areas outside of the LRR1 and LRRII 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 LRRII 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

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net residential density allowed by subparagraph C.2, above, of this performance standard.

- d. Minimum road frontage requirements of the Land Use Ordinance and Subdivision Regulations may be waived or modified by the Planning Board provided that:
 - 1) Any applicable provisions regarding Roads in the Street Ordinance are satisfied.
 - 2) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and /or common driveways.
 - 3) No common driveway shall provide access to more than three (3) lots, except as provided in Article 13, Section C.6.
- e. A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than twenty-five feet or that required for the applicable zoning district, whichever shall be less. For the perimeter of a multi-family cluster development, site setback shall not be reduced below the minimum front, side and rear setbacks required in the zoning district unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.

5. Utilities

At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided the same shall not unreasonably interfere with the open space purposes to be achieved under this performance standard and for the particular parcel(s) that is the subject of the application for open space subdivision.

- a. The Planning Board may waive or modify hydrogeological reviews or studies, if the applicant demonstrates that due to the specific placement of wells and septic systems:
 - 1) adequate groundwater is available at all locations proposed for individual water systems; and that
 - 2) there is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10mg/l of nitrates.

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- b. If a private collection septic system is proposed for a single family clustered development or a multiplex cluster development, the applicant must show 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 Maine Subsurface Waste Water Disposal Rules. The septic system shall meet the provisions of Article 10, section 7 of the Raymond Subdivision Ordinance.
- c. If a private central collection system is proposed, the system shall be maintained by a homeowners association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a Home Owners Association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board.

D. Open Space Requirements

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Land Use Ordinance or the Subdivision Regulations.

Open space set aside in an open space subdivision shall be permanently preserved as required by this performance standard, except as allowed under this provision for flexible open space and the substitution for and/or the addition to the same, or where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted, provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Article 13, Section D.3 and provided that the Planning Board approves such configuration of the open space.

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:

- a. On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.

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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 shall be limited to those which are no more intensive than passive uses. 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.
- c. Open space areas, shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
- d. If the open space is to be devoted, at least in part to a productive land use, such as agriculture or forestry, the developer shall submit to the Planning Board a plan of how such use is to be fostered in the future. Such plan may include, for example, a long-term timber management plan.
- e. The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.
- f. Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Article 13, Section D.3. Structures and buildings accessory to agriculture, recreation or conservation uses may be erected on open space, subject to Planning Board approval under the Site Plan Review provisions of the Land Use Ordinance and this performance standard.

2. Notations on Plan

Open space must be clearly labeled on the Final Plan as to its, use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Article 13, Sections D.5 and D.6, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.

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3. Preservation in Perpetuity

An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in Article 13, Section A.2 are achieved and all other requirements of this performance standard are met subject to the following conditions:

- a. A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space plan.
- b. The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, or to a qualified not-for-profit conservation organization acceptable to the Planning Board.
- c. Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.
- d. The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Raymond if the Town is not the holder of the conservation easement or beneficiary of the declarations.
- e. The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry, and recreation), and shall not be amendable to permit such use.
- f. The conservation easement or declarations shall be recorded in the Cumberland County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Cumberland County Registry of Deeds.
- g. Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that :
 - 1) The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;
 - 2) The Planning Board grants approval for such lots; and,

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- 3) The applicant has reserved the right to apply for approval for such additional lots.

4. Ownership of Open Space Land

Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a homeowner's association (HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in Article 13, Section A.2 and under the other requirements of this Land Use Ordinance and the Subdivision Regulations.

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to subparagraph D.1. above. Unless so determined, or unless deeded to the Town of Raymond and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

5. Flexible Open Space and Substitution; Phasing

An applicant for an open space subdivision may at a future time designate other land to serve as the open space for such subdivision if the Planning Board finds that the purposes set forth in Article 13, Section A.2 will better be served by promoting a more innovative design and layout of lots created over time in relation to the area(s) designated as open space if all other requirements under this performance standard may be met and such substitution is specifically allowed in any documentation associated with the open space, conservation easement, or homeowners association. Development that is phased over time, including a schedule over time for either sale of lots or layout of further lots as part of the open space subdivision plan, is encouraged so that more appropriate design of land use and preservation of greater open space may be achieved.

6. Maintenance Standards

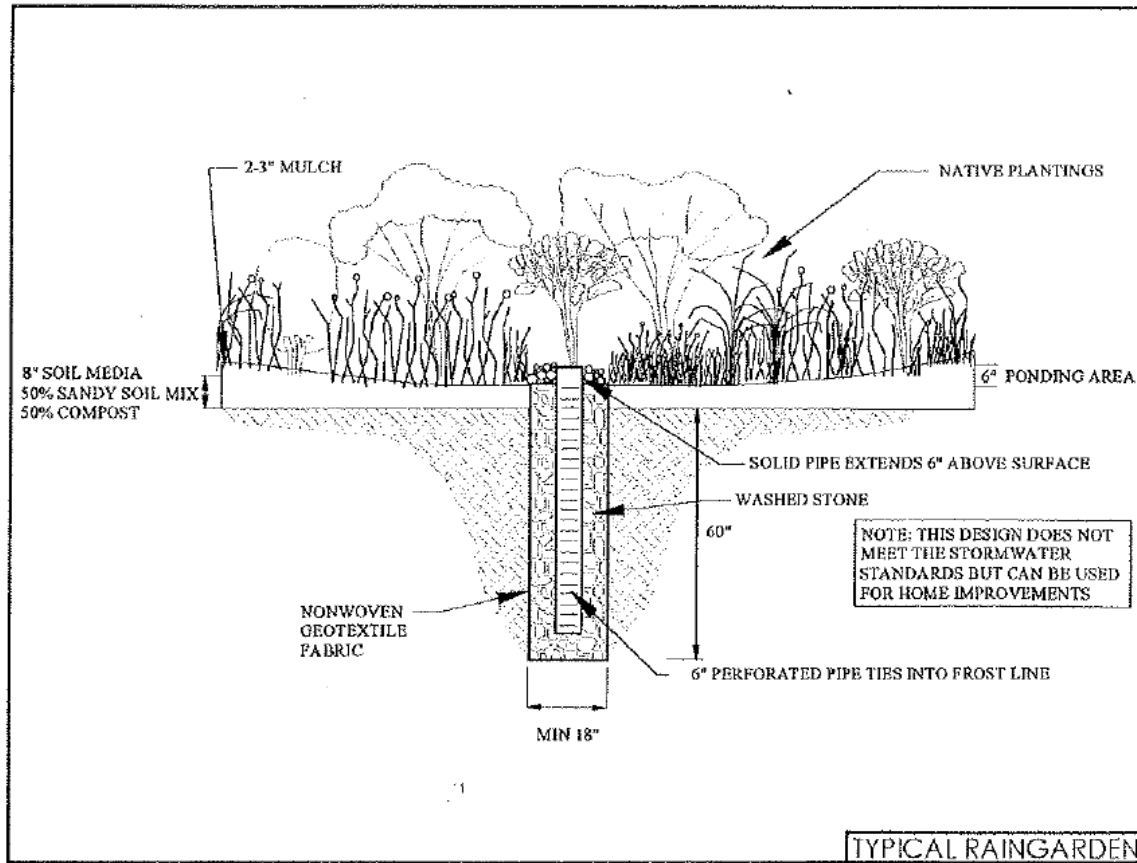
- a. The common open space shall be protected from non-conforming or incompatible use in accordance with section D.1 and shall be maintained as undeveloped open land, productive open land, and/or active or passive recreation land in accordance with an established maintenance plan. The common open space 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

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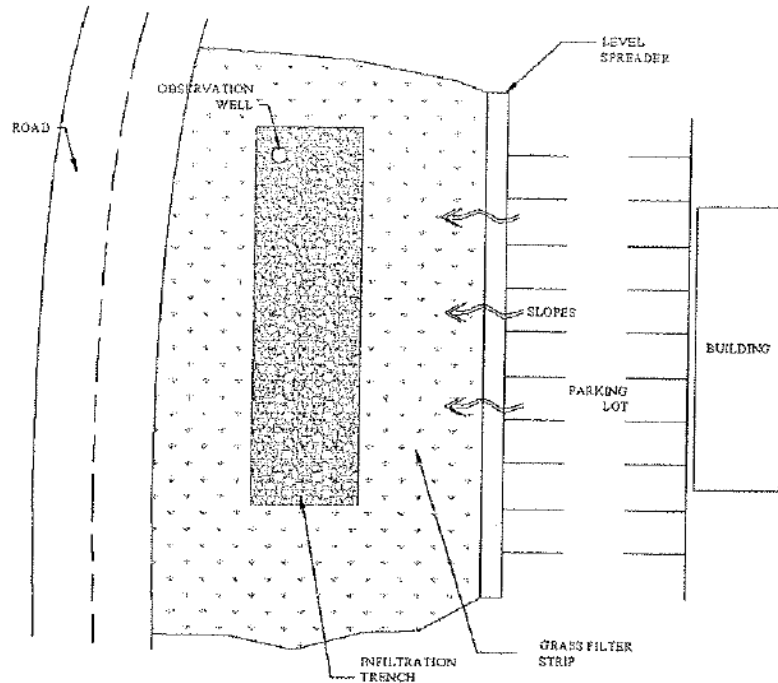
established, subject to approval by the Planning Board, to assure that the future use and maintenance of the common open space is consistent with the subdivision approval. These provisions may include deed restrictions or covenants, conservation easements, the sale or transfer of development rights, 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.

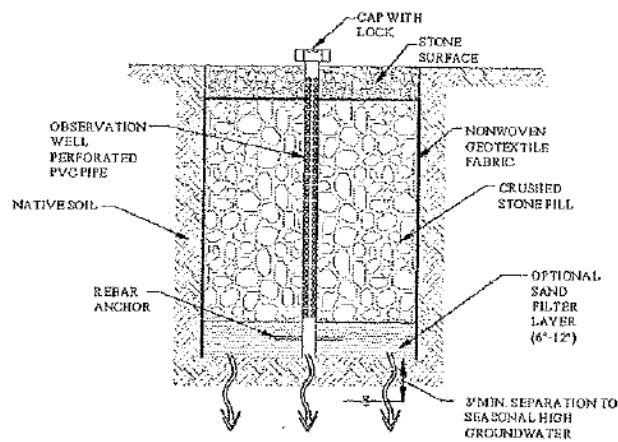
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PLAN VIEW



ADAPTED FROM: SMITH, DEMER, AND NORMANN

CROSS-SECTION

FIGURE 6-2. TYPICAL SURFACE INFILTRATION TRENCH