



SHORELAND ZONING PROVISIONS TOWN OF RAYMOND

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**RAYMOND PLANNING BOARD
RAYMOND, MAINE**

CONTENTS

INTRODUCTION	1
SECTION 1. PURPOSES.....	1
SECTION 2. AUTHORITY.....	1
SECTION 3. APPLICABILITY	1
SECTION 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE	2
SECTION 5. AVAILABILITY	2
SECTION 6. SEVERABILITY.....	2
SECTION 7. CONFLICTS WITH OTHER ORDINANCES	3
SECTION 8. AMENDMENTS	3
SECTION 9. DISTRICTS AND ZONING MAP.....	3
A. OFFICIAL RAYMOND LAND USE MAP	3
B. CERTIFICATION OF RAYMOND OFFICIAL LAND USE MAP	3
C. CHANGES TO THE RAYMOND OFFICIAL LAND USE MAP.....	3
SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES	4
SECTION 11. LAND USE REQUIREMENTS	4
SECTION 12. NON-CONFORMANCE.....	5
A. PURPOSE	5
B. GENERAL.....	5
C. NON-CONFORMING STRUCTURES	5
D. NON-CONFORMING USES	9
E. NON-CONFORMING LOTS.....	9
SECTION 13. ESTABLISHMENT OF SHORELAND DISTRICTS	11
A. RESOURCE PROTECTION DISTRICT (RP).....	11
B. STREAM PROTECTION DISTRICT (SP).....	11
C. LIMITED RESIDENTIAL/RECREATIONAL I DISTRICT (LRR1).....	12
D. LIMITED RESIDENTIAL/RECREATIONAL II DISTRICT (LRR2)	12
SECTION 14. TABLE OF LAND USES.....	13
A. KEY TO TABLE 1:	13
B. ABBREVIATIONS:.....	13
SECTION 15. LAND USE STANDARDS	16
A. MINIMUM LOT STANDARDS AND SETBACKS.....	16
B. PRINCIPAL AND ACCESSORY STRUCTURES	17
C. PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND.....	20
D. CAMPGROUNDS.....	21
E. PERSONAL CAMPSITES*	21
F. COMMERCIAL AND INDUSTRIAL USES	22
G. PARKING AREAS*	23
H. ROADS AND DRIVEWAYS	26
I. SIGNS*.....	28
J. STORM WATER RUNOFF AND FLOOD PROTECTION	29

K.	SEPTIC WASTE DISPOSAL *	30
L.	ESSENTIAL SERVICES	31
M.	MINERAL EXPLORATION AND EXTRACTION*	31
N.	AGRICULTURE	33
O.	BEACH CONSTRUCTION	33
P.	TIMBER HARVESTING*	34
Q.	CLEARING OR REMOVAL OF VEGETATION FOR ACTIVITIES OTHER THAN TIMBER HARVESTING	45
R.	HAZARD TREES, STORM-DAMAGED TREES, AND DEAD TREE REMOVAL	47
S.	EXEMPTIONS TO CLEARING AND VEGETATION REMOVAL REQUIREMENTS	49
T.	REVEGETATION REQUIREMENTS.	50
U.	EROSION AND SEDIMENTATION CONTROL	52
V.	SOILS*	53
W.	WATER QUALITY*	53
X.	ARCHAEOLOGICAL SITES	54
.Y	PUBLIC BOAT LAUNCH FACILITY AND ASSOCIATED PARKING AREAS	54
SECTION 16. ADMINISTRATION		56
A.	ADMINISTERING BODIES AND AGENTS	56
B.	PERMITS REQUIRED	56
C.	PERMIT APPLICATION	56
D.	PROCEDURE FOR ADMINISTERING PERMITS	57
E.	EXPIRATION OF PERMIT	58
F.	INSTALLATION OF PUBLIC UTILITY SERVICE	58
G.	APPEALS	59
H.	ENFORCEMENT	63
SECTION 17. DEFINITIONS		65

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 1 to 11

INTRODUCTION

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

SECTION 1. PURPOSES

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

SECTION 2. AUTHORITY

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

SECTION 3. APPLICABILITY

Except for Section 15. P- 1, Timber Harvest – Statewide Standards, these ordinance provisions apply to all land areas, as currently mapped and in effect, within 600 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; and any other land designated on the Official Raymond Land Use Map as a Resource Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II District. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

Section 15. P- 1, Timber Harvest – Statewide Standards, when it becomes effective in accordance with Section 4.B, shall apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 75 feet, horizontal distance, of the normal high-water line of a stream. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 1 to 11

SECTION 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCE

A. Effective Date

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

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

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

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

SECTION 5. AVAILABILITY

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

SECTION 6. SEVERABILITY

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

¹

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 1 to 11

SECTION 7. CONFLICTS WITH OTHER ORDINANCES

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

SECTION 8. AMENDMENTS

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

SECTION 9. DISTRICTS AND ZONING MAP

A. Official Raymond Land Use Map

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

1. Resource Protection (RP)
2. Stream Protection (SP)
3. Limited Residential/Recreation (LRR1)
4. Limited Residential/Recreation II (LRR2)

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

B. Certification of Raymond Official Land Use Map

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

C. Changes to the Raymond Official Land Use Map

If amendments are made in the district boundaries or other matters portrayed on the Raymond Official Land Use Map, in accordance with Section 8, such changes shall be

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTIONS 1 to 11

made on the Raymond Official Land Use Map within thirty (30) days after the amendment has been approved by the Department of Environmental Protection.

SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES

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

SECTION 11. LAND USE REQUIREMENTS

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

SECTION 12. NON-CONFORMANCE

A. Purpose

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

B. General

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

C. Non-conforming Structures

1. **Expansions:** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. A conforming situation cannot be made nonconforming and a nonconforming situation cannot be made more nonconforming.
 - a. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase the nonconformity with the water body, tributary stream, or wetland setback requirement.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

- b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Section 12(C)(1).
 - i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirement may be expanded or altered as follows, as long as other applicable municipal land use standards are met, and the expansion is not prohibited by Section 12(C)(1) or Section 12 (C)(1)(a) above.
 - i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - ii. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i), and Section 12(C)(1)(c)(i) above.
 - iii. In addition to the limitations in subparagraphs (i) and (ii) for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the CEO.
- 2. Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below.
 - 3. Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law, the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the Town's standards, or that a new system can be installed in compliance with the law, said Rules and local standards. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(T). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
 - b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
- 4. Reconstruction or Replacement:** Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of these ordinance provisions. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer within one year of such damage, destruction, or removal. In determining whether the building reconstruction or replacement meets the water setback to the greatest

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

practical extent the Code Enforcement Officer shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

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

D. Non-conforming Uses

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed by Article 3 of the Raymond Land Use Ordinance and by Section 12(C)(1) above.
2. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. **Change of Use:** An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Board of Appeals. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Non-conforming Lots

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 12 NON-CONFORMANCE

- 1. Non-conforming Lots:** A legal non-conforming lot of record as of the effective date of these ordinance provisions or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all requirements of these ordinance provisions and other relevant Town ordinances, except lot area, lot width and shore frontage, can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore and road frontage shall be obtained by action of the Board of Appeals.
- 2. Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of these ordinance provisions, if all or part of the lots do not meet the dimensional requirements of these ordinance provisions, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. § 4807-A through 4807-D) and the State of Maine and local Subsurface Wastewater Disposal Rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of these ordinance provisions, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of these ordinance provisions.
- 3. Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of these ordinance provisions, if any of these lots do not individually meet the dimensional requirements of these ordinance provisions or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements, except when the landowner can meet the requirements of Article 3, Section 3.b of the Raymond Land Use Ordinance prior to September 26, 1992.

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 13 ESTABLISHMENT OF SHORELAND DISTRICTS**

SECTION 13. ESTABLISHMENT OF SHORELAND DISTRICTS

A. Resource Protection District (RP)

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

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

B. Stream Protection District (SP)

The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 13 ESTABLISHMENT OF SHORELAND DISTRICTS

located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. *[Adopted 6/1/10]*

C. Limited Residential/Recreational I District (LRR1)

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

D. Limited Residential/Recreational II District (LRR2)

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

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 14 TABLE OF LAND USES**

SECTION 14. TABLE OF LAND USES

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

A. Key to Table 1:

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

B. Abbreviations:

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

TABLE 1 “LAND USES IN THE SHORELAND ZONE”

LAND USES	RP	SP	LRR1 LRR2
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes
4. Timber harvesting*	CEO ¹	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO ¹	CEO	CEO
6. Fire prevention activities	yes	yes	yes
7. Wildlife management practices	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes
9. Mineral exploration*	yes ²	no	yes ²

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 14 TABLE OF LAND USES**

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

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 14 TABLE OF LAND USES

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

*** Allowed single family structures shall include those units commonly called "modular homes," or "Type 2 Manufactured Homes" as defined in Article 12-Definitions; Manufactured Housing, 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.

1. [Reserved, *Deleted 6/7/12*]
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not permitted in areas so designated because of wildlife value.
4. See further restrictions in Section 15, Subsection M.2.
5. Except for Panther Run's floodplain, in which case a permit is required from the Planning Board.
6. Except to provide for permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.
7. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS**

SECTION 15. LAND USE STANDARDS

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

A. Minimum Lot Standards and Setbacks

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

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

3. The minimum building setbacks shall be as follows:
 - a. Front - 30 feet;
 - b. Side - 20 feet;
 - c. Rear - 30 feet; and
 - d. Normal high water line of a lake, pond, stream, or other water body, or the upland edge of a protected wetland, whichever is greater, except when covered by Section 15, Subsection A.3.e. below - 100 feet.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

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

B. Principal and Accessory Structures

- 1. All new permitted principal and accessory structures shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of any lakes, ponds, other water bodies, tributary streams, or the upland edge of a wetland.

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

- 2. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

3. Principal or accessory structures and expansions of existing structures that are permitted in the Resource Protection, Stream Protection, Limited Residential/Recreational I, and Limited Residential/Recreational II Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, cupolas, and similar structures having no floor area.
4. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood level as defined by soil types identified as recent flood plain soils. Any new construction, including prefabricated buildings, shall be anchored to prevent flotation and lateral movement and shall be constructed with flood-resistant materials and methods. All new and replacement water supply and sewage disposal facilities shall be so located and designed as to minimize infiltration, contamination or other impairment by flooding.
5. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed fifteen (15) percent of the lot or a portion thereof located within the shoreland zone, including land area previously developed. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
6. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.
7. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - 1) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - 2) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - 3) Only native species may be used to establish the buffer area;
 - 4) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - 5) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.
8. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

Protection pursuant to the Natural Resources Protection Act, Title 38, § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
3. The location shall not interfere with existing developed or natural beach areas.
4. The facility shall be located so as to minimize adverse effects on fisheries.
5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
6. All temporary structures must be removed to beyond the normal high water line by December first of each year, or a penalty of \$100.00 per day beyond December first shall be imposed.
7. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
8. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.
9. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
10. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

11. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resource Protection Act, Title 38 M.R.S.A., § 480-C.
12. Vegetation may be removed in excess of the standards in Section 15(Q) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.
 - b. Revegetation must occur in accordance with Section 15(T)

D. Campgrounds

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

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

E. Personal Campsites*

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

1. Such private campgrounds shall be limited to no more than one (1) campsite and may not be utilized for more than 90 calendar days per calendar year, beginning from the date of first use, including storage of a recreational unit, excepting that, the owner of a lot/parcel used as his/her primary residence may store the recreational vehicle(s) or camper(s) owned and registered to him/her. All structures must be removed at the end of the 90 days.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

2. If two recreational vehicles or trailers are sited on one lot/parcel located in the shoreland district, each shall contain at least 30,000 square feet, and in all other zones each campsite shall contain at least 30,000 square feet.
3. In no case shall two campsites comprise more than fifty (50) percent of any lot/parcel, and in no case shall the campsite(s) comprise more than fifty (50) percent of any lot/parcel which also has a seasonal or year-round structure on the lot/parcel.
4. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
5. All setback requirements must be met, which shall apply to any part of tent or recreational unit, including awnings.
6. A permit must be obtained before the first day of use.
7. Size of a tent or recreational unit on an individual campsite shall be limited to 280 square feet of floor area, measured from the overall outside dimensions.
8. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
9. All waste must be disposed of according to all State and local regulations.
10. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

F. Commercial and Industrial Uses

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

1. Auto washing facilities;
2. Auto or other vehicle service and/or repair operations, including body shops;
3. Chemical and bacteriological laboratories;
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms;

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

5. Commercial painting wood preserving, and furniture stripping;
6. Dry cleaning establishments;
7. Electronic circuit assembly;
8. Laundromats, unless connected to a sanitary sewer;
9. Metal plating, finishing, or polishing;
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas;
11. Photographic processing;
12. Printing.

G. Parking Areas*

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located and shall also meet the off-street parking requirements contained in Article 9 of the Raymond Land Use Ordinance. The setback requirement for Parking Areas shall be 100 feet from the shoreline or tributary stream, provided, however, that the setback for a Parking Areas serving a public boat launching facility may be reduced to fifty (50) feet, horizontal distance, from the shoreline or tributary stream, if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. In determining the appropriate size of a proposed Parking Area, the following shall apply:
 - a. The maximum number of parking spaces or parking lot area allowed in any one cluster of parking is 50 vehicle spaces or paved or impervious area not to exceed 20,000 sq. ft., whichever is less. Each cluster must meet the setback requirements. More than one cluster of parking may exist on a lot but each cluster must meet the criteria independently. Each cluster must be connected internally by an access not less than 50 feet in length. If a property is to contain more than 100 spaces, a second entrance or exit to a private or town road must be provided. The Planning Board may waive the standard for a parking cluster size by no more than 50% (75 spaces total per cluster) utilizing the Off Street Parking Waiver criteria.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- b. Each Parking Area or cluster must have a minimum pavement setback of:

60 feet front and rear yard setback
40 feet side yard setback

Parking Areas with total parking spaces under 25 spaces may have pavement setbacks reduced by 50%.

- c. Each Parking Area or cluster shall maintain a minimum vegetated buffer around the perimeter of the parking lot. No setbacks are required around a parking edge, if the parking is adjacent to the principal or accessory building or active area associated with the land use. Minimum naturally vegetated (no cut) buffers are necessary from external property lines and shall be as follows:

50 feet for front yards,
30 feet for rear and side yards

Planted landscape areas/buffers may be placed in lieu of the vegetated buffers but must contain species a minimum of 6 feet tall for 50% of the buffer area. Landscape buffers shall be:

40 feet for front yards,
20 feet for rear and side yards

Parking Areas with total parking spaces under 25 spaces may have buffer and landscape requirements reduced by 50%.

If multiple cluster Parking Areas are proposed on a single lot or common scheme parcels of land, they must be separated by a minimum of a 50-foot naturally vegetated, or 40-foot landscaped, buffer. This shall be measured from the closest point of the actual parking pavement area of one cluster parking area to any other separate cluster parking areas nearest point of pavement.

- d. All Parking Areas shall be designed to incorporate landscape island strips of no less than 100 sq. ft. within the internal parking lot. The total area of parking islands or "internal green spaces" shall be no less than 5% of the total impervious coverage of the Parking Area. Access drives from the primary street entrance(s) to the Parking Area shall not be considered in this equation.

3. Parking areas shall be adequately sized for the proposed use and shall be designed to protect water resources and water bodies by a design effort to limit impervious areas, minimize soil disturbance, include vegetative buffers, and provide screening to residential zones or uses. The number of parking spaces

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

within a Parking Area shall be limited to the number of spaces required for the associated permitted use, as provided in Article 9, Section C of the Raymond Land Use Code; as proposed as necessary by the applicant; or as approved by the Planning Board as essential to the land use proposed. For the purposes of this section, a traffic parking report must be provided by a licensed engineer to warrant the parking space requirements needed and shall include documentation noting the source of information, or the study or data for parking estimation, to justify the parking necessary.

4. In determining the appropriate individual parking space size within proposed Parking Area, the following shall apply:
 - a. Typical parking space/vehicle:
A minimum of nine (9) feet wide and eighteen (18) feet long
Compact car space/vehicle: A minimum of eight (8) feet wide and sixteen (16) feet long
Compact parking spaces may not exceed 15% of the total parking spaces

Typical boat launching facility parking space/vehicle: A minimum of ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Typical internal travel aisles: Maximum twenty-four (24) feet wide.
5. Parking Areas shall be designed and managed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland. Designs shall additionally incorporate measures which promote recharge of surface runoff by means of natural soil infiltration or by engineered Best Management Practices as described in the Maine Department of Environmental Protection's *Maine Stormwater Management Best Management Practices Manual*:
(<http://www.maine.gov/dep/land/stormwater/stormwaterbmps/#manual>)

In determining the appropriate stormwater management requirements for peak runoff rate quantity and runoff quality treatment for a proposed parking lot or facilities, the following shall apply:

- a. All projects subject to site plan review shall conform to the minimum standards as outlined in Article 9, Section X of the Raymond Land Use Code: Stormwater Quality and Phosphorus Control.
- b. In addition to the minimum standards in Article 9, Section X, all Parking Areas shall provide treatment through practices involving buffers, infiltration measures, wet pond construction, or engineered design, in such a manner as to treat at least 50% of the runoff from impervious surface proposed by the development.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

6. Off-Site Parking Lots shall be allowed if they are within 300 feet of the lot containing the associated permitted use as measured from the centerline of that lot's driveway entrance to the centerline of the driveway entrance of the Off-Site Parking Lot. All Off-Site Parking Lots shall meet the following additional requirements:
 - a. A safe sight distance must exist between the two primary entrances such that vehicles are visible from each site in a direct line of vision, or adequate way finding signs are provided.
 - b. Safe pedestrian connectivity is provided by sidewalks, delineated paths or trails for pedestrian traffic must meet ADA standards.
 - c. The design shall contain adequate traffic control devices to allow for safe pedestrian crossing of roads, streets, and ways, that are either public or private, where off-site parking is provided on the opposite side of the street from the associated permitted use.
 - d. No off-site parking shall be allowed on an opposite side of Route 302.
 - e. All pedestrian crossings and new entrances for Off-Site Parking Lots on State Highways or Roads shall require approval from the State of Maine Department of Transportation for location and design prior to Planning Board approval.
7. An applicant proposing the use of Off-Site Parking Spaces shall demonstrate compliance with the following standards:
 - a. There shall be adequate parking spaces available to meet the parking needs of the permitted uses located on the lot or parcel in addition to the Off- Site Parking Spaces to be leased by the applicant.
 - b. The Off-Site Parking Spaces to be leased by the applicant shall be dedicated for use only by the applicant and shall not be leased to or utilized by other users.
8. 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, shall not be permitted unless the requirements of Section 6 above are met.

H. Roads and Driveways

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

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational purposes. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

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

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS**

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

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is eight (8) percent or less.
 - c. On sections having slopes greater than eight (8) percent, ditch relief culverts shall be placed at approximately a thirty- (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I. Signs*

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

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

J. Storm Water Runoff and Flood Protection

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

An engineering study shall be undertaken for all subdivisions proposed on land that falls within a flood zone, where the flood plain elevation has not been determined.

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

K. Septic Waste Disposal*

1. All plumbing shall be connected to public collection and treatment facilities when such facilities are available.
2. All subsurface sewage disposal systems shall be installed in conformance with the "State of Maine Subsurface Wastewater Disposal Rules" (Rules), Town regulations and the following:
 - a. clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
 - b. a holding tank is not allowed for a first-time residential use in the shoreland zone.

Note: The State's Rules require that the minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body.

3. Where daily sewage flow exceeds 2,000 gallons, the minimum setback for new subsurface sewage disposal systems shall be 300 feet from the normal high-water line of a perennial water body.
4. The minimum setback distances from water bodies for all new subsurface sewage disposal systems shall not be reduced by variance.
5. Privies shall not be permitted in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

6. All development or construction within 250 horizontal feet of normal high water line of a perennial water body shall meet the requirements of the regulations adopted by the Portland Water District on June 3, 1988; these regulations are to be enforced by the Town of Raymond.

L. Essential Services

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

M. Mineral Exploration and Extraction*

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

Mineral extraction may be permitted under the following conditions:

1. A conditional use permit for mineral extraction in locations where permitted under the terms of the Raymond Land Use Ordinance must be obtained from the Board of Appeals in accordance with the provisions of said Ordinance, and provided that plans for the requested mineral extraction shall be specifically illustrated in the application for the conditional use.
2. A reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.
3. The plan review by the Planning Board and the Board of Appeals shall take into consideration the standards contained in this section and in Article 9, Section E of the Raymond Land Use Ordinance.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

4. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within one hundred (100) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland.
5. Extraction operations shall be at least seventy-five (75) feet between the edge of the digging or quarrying activities and any property line. Extraction operations shall not be permitted within one hundred (100) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
6. The operation shall be shielded from surrounding property with adequate screening and shall create no disturbance of a water source. Appropriate fencing or landscaping shall be provided to screen the site of digging operations from any public right-of-way and from any dwelling within 250 feet of the property lines of the excavation site.
7. Specific plans shall be established to avoid hazards from excessive slopes or standing water.
8. Dust or other air pollutants shall be kept to a minimum by appropriate landscaping, paving, oiling, or fencing.
9. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed inoperative when less than one thousand (1,000) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - b. The final graded slope shall be two and one half to one (2 1/2:1) slope or flatter.
 - c. Sufficient top soil or loam shall be retained to cover all disturbed land areas with a three (3) inch layer, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project. Such seeding and restoration shall be provided by the applicant.
10. In keeping with the purposes of these ordinance provisions, the Planning Board and Board of Appeals may impose such conditions as are necessary to minimize

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or a river flowing to a great pond, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil in a Resource Protection District, or the tillage of soil greater than twenty thousand (20,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of these ordinance provisions.
4. There shall be no new disturbance of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of these ordinance provisions and not in conformance with these provisions may be maintained.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of any lake, pond, or other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

O. Beach Construction

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

P. Timber Harvesting*

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond, there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform to the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2« feet above the ground level on any lot in any ten (10) year period is permitted within two hundred-fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river; within two hundred-fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream. In addition:
 - 1) Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high- water mark of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well- distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - 2) At distances greater than one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water mark of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
 - 3) Timber harvesting operations exceeding the 40 percent limitation in paragraph a. may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and is carried out in accordance with the purposes of shoreland zoning. The Planning Board shall notify the commissioner of each exception allowed.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - 1) Surface waters are frozen; and
 - 2) The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten-(10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

P-1. Timber Harvesting – Statewide Standards

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

- 1. **Shoreline integrity and sedimentation.** Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

2. Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

a. Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

b. Adjacent to great ponds, rivers and wetlands:

1) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

2) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

3. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

a. Option 1 (40% volume removal), as follows:

1) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

3) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet,

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

- b. Option 2 (60 square foot basal area retention), as follows:
- 1) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
 - 2) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - 3) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.
- c. Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

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

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

- 4. Skid trails, yards, and equipment operation.** This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- a. Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
- b. Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
- c. Setbacks:
 - 1) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
 - 2) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

5. Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.

- a. Land management roads and associated ditches, excavation, and fill must be set back at least:
 - 1) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- 2) 50 feet, horizontal distance, from the normal high-water line of streams;
and
 - 3) 25 feet, horizontal distance, from the normal high-water line of tributary streams
- b. The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- c. On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- d. New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. § 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- e. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- f. Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - g. Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
 - h. Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
 - i. Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- 6. Crossings of waterbodies.** Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- a. Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - b. Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1).

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).

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

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

eroded or otherwise damaged are not required to use permanent or temporary structures.

- g. Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- 1) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows or with a cross-sectional area at least equal to 3 times the cross-sectional area of the river, stream, or tributary stream channel.
 - 2) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - i. use of temporary skidder bridges;
 - ii. removing culverts prior to the onset of frozen ground conditions;
 - iii. using water bars in conjunction with culverts;
 - iv. using road dips in conjunction with culverts.
 - 3) Culverts utilized in river, stream and tributary stream crossings must:
 - i. be installed at or below river, stream or tributary stream bed elevation;
 - ii. be seated on firm ground;
 - iii. have soil compacted at least halfway up the side of the culvert;
 - iv. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - v. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
 - 4) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

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

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS**

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

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

7. Slope Table

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

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

- 8. **Definitions.** Unless otherwise provided herein, this Section P-1 incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, “Forest Regeneration and Clearcutting Standards”, and Chapter 21, “Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.”

**TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS**

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

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Section R.

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

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

- a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/ or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
- b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section a "well-distributed stand of trees " adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25 foot by 50 foot rectangular (1,250 square feet) area as determined by the following rating system.

Tree at 4« feet Above Ground Level (diameter in inches)	Points
2 - <4 inches	1
4 - <8 inches	2
8 - < 12 inches	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

more in diameter, measured at 4½ feet above ground level may be removed in any ten (10) year period.

The following shall govern in applying this point system:

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

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

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Section 15(Q) paragraphs (2) and (2)(a) above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section R below, unless existing new tree growth is present. A determination about the condition of any such dead or hazard trees shall be made by a certified forester or the CEO, prior to the removal of said trees.
- f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities including associated construction and

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15(Q)(2).

Section 15(Q)(2) above does not apply to those portions of public recreational facilities adjacent to public swimming areas As long as cleared areas are limited to the minimum area necessary.

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

R. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:
 - a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those that contain no foliage during the growing season.
 - d. The CEO may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - e. The CEO may require more than one for one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
 - 1) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - 2) Stumps from the storm-damaged trees may not be removed;
 - 3) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- 4) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

- b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

S. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(Q), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Section 15(N) are complied with;
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A § 343-E, and that is located along:

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- a. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A § 465-A.
6. The removal of non-native, invasive vegetation species, provided the following minimum requirements are met:
 - a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

T. Revegetation Requirements.

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

segment of shoreline and as close as possible to the area where vegetation was removed:

3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
 - a. All trees and saplings removed must be replaced with native noninvasive species;
 - b. Replacement vegetation must at a minimum consist of saplings;
 - c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - d. No one species shall make up 50% or more of the number of trees and saplings planted;
 - e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

- d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

U. Erosion and Sedimentation Control

- 1. Filling, grading, lagooning, dredging, earth moving, and other land use activities shall be conducted in such a manner to prevent erosion and sedimentation of surface waters to the maximum extent practical. All activities, which result in unstabilized soil conditions and which require a permit shall be developed in accordance with a Erosion and Sedimentation Control Plan prepared in conformance with the requirements of "*Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection*", March 2003, and subsequent revisions thereof.
- 2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- 3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- 4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod,

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

- a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 - d. Additional winter construction requirements as prescribed by "*Maine Erosion and Sediment Control Best Management Practices*", latest revision, prepared by the Maine Department of Environmental Protection, shall be adhered to as appropriate.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

V. Soils*

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

W. Water Quality*

No activity shall store, deposit on or into the ground, discharge, or permit the discharge into the waters of the State of any treated, untreated or inadequately treated liquid,

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

gaseous, solid material, or pollutant of such nature, quantity, obnoxiousness, toxicity, or temperature, such that, by itself or in combination with other activities or substances, it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, harm, or impair designated uses or the water classification of such water bodies, tributary stream or wetland, or cause nuisance, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

X. Archaeological Sites

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

.Y Public Boat Launch Facility and Associated Parking Areas

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The Public Boat Launching Facility shall be located so as to minimize adverse effects on fisheries.
3. Boat launch width shall be minimized to the greatest extent possible and the applicant shall provide evidence or information supporting the design width. This provision is not intended to prohibit multiple launching ramps at a single facility.
4. Applicants for the construction of a Public Boat Launching Facility and associated structures shall obtain all necessary permits from the Maine Department of Environmental Protection (Maine DEP).
5. One Public Boat Launching Facility shall be allowed at any Great Pond. Planning Board approval is required for any applications proposing a second launch to any Great Pond. The Planning Board shall also be responsible for determining the appropriate separation between a proposed Public Boat Launching Facility and any existing boat launch facilities.
6. The site plan design shall include a signage plan for the posting of rules and regulations regarding usage, invasive species, circulation of vehicles, and parking on the site.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 15 LAND USE STANDARDS

7. The design shall include a boat launch inspection and cleaning area designed for inspecting and cleaning of watercraft and trailers, and include facilities for the proper disposal of aquatic invasive species.
8. The owner of the facility shall provide a maintenance and operations plan subject to review annually by the CEO.
9. The Public Boat Launching Facility shall include sanitary facilities and trash receptacles.
10. Public Boat Launching Facilities shall be designed to provide adequate security or public visibility to access and ramp areas to discourage loitering, trespassing, or vagrancy of individuals, or groups, and insure safety of the site following normal hours of usage.
11. No routine maintenance or repairs of watercraft shall be allowed at the boat launch facilities.
12. The boat launch access entrance from any road having regular vehicular traffic shall be designed to address safe sight distance and promote safe traffic and pedestrian movements.
13. The property shall maintain at least a 25 foot natural buffer strip of vegetation from any adjacent residentially zoned properties. When a natural buffer strip of vegetation does not exist, a landscaped buffer strip shall be planted with approval of a planting plan by the Planning Board.
14. The boat launch ramp shall be constructed of a low permeable inert material such as, but not limited to concrete, asphalt, or other solid construction material to discourage soil erosion or vehicle tracking. Materials shall be installed that will not degrade water quality, will promote protection from erosion or sedimentation, and will not leach, weep or cause contamination from preservatives, treatments, or other chemical pollutants due to their composition or by applied treatments placed on their surfaces. Gravel, crushed stone, or other compacted soil aggregate materials shall not be used for construction of the portion of the launch ramp subject to contact by a towing vehicle, trailer, or other device to transport watercraft to and from the access road the ramp's lowest submerged depth.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

SECTION 16. ADMINISTRATION

A. Administering Bodies and Agents

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

B. Permits Required

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

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

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.
5. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

D. Procedure for Administering Permits

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

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

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

1. Will maintain safe and healthful conditions.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

2. Will not result in water pollution, erosion, or sedimentation to surface waters.
3. Will adequately provide for the disposal of all wastewater.
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
6. Will protect archaeological and historic resources as designated in the comprehensive plan.
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district.
8. Will avoid problems associated with flood plain development and use.
9. Is in conformance with the provisions of Section 15, Land Use Standards.

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

E. Expiration of Permit

Permits shall expire one year from the date of issuance, if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

F. Installation of Public Utility Service

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

G. Appeals

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

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

- a. Administrative Appeals: To hear and decide appeals, on a de novo basis, where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of these ordinance provisions.
- b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in these ordinance provisions.
- c. 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.

2. Variance Appeals - Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by these ordinance provisions.
- c. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the provisions of Section 15 after for the specific provision which has created the non-conformity and from which relief is sought; and
 - 2) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
 - i. that the land in question cannot yield a reasonable return unless a variance is granted;

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

- ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii. that the granting of a variance will not alter the essential character of the locality; and
 - iv. that the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- e. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- f. The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 15 (A) of these provisions according to all of the following criteria:
- 1) Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback reduction appeals shall not be used, and are not available from bodies of water as provided in these provisions.
 - 2) Setback reduction appeals may only be granted and are only available for lots with a residential dwelling as the principal structure.
 - 3) The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
 - 4) In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it may deem necessary to serve the purposes of these provisions.
 - 5) A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

- 6) A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
- 7) No setback reduction appeal may be granted that will result in impervious surface lot coverage of greater than 15%.
- 8) Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by setback reduction appeal to less than the following absolute minimum setbacks:

Front Yard	15 feet
Side Yard	10 feet
Rear Yard	15 feet
- g. The Code Enforcement Officer may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(G)(2)(e) and 16(G)(3)(b)(6).

3. Appeal Procedure

a. Making an Appeal

- 1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty- (30) day requirement.
- 2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes:
 - i. A concise written statement indicating what relief is requested and why it should be granted.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

- ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
 - 3) Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 - 4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.
- b. Decision by Board of Appeals
- 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - 2) 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.
 - 3) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under these ordinance provisions, or to affect any variation in the application of these ordinance provisions from its stated terms.
 - 4) The person filing the appeal shall have the burden of proof.
 - 5) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing and shall issue a written decision on all appeals.
 - 6) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

4. **Appeal to Superior Court** - Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of the vote on the original decision.
5. **Reconsideration** - 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.

H. Enforcement

1. **Nuisances** - Any violation of these ordinance provisions shall be deemed to be a nuisance.
2. **Code Enforcement Officer**
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of these ordinance provisions. If the Code Enforcement Officer shall find that any provision of these ordinance provisions is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of these ordinance provisions.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
3. **Legal Actions** - When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 16 ADMINISTRATION

and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of these ordinance provisions in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these ordinance provisions and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

- 4. Fines** - Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A., § 4452.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

SECTION 17. DEFINITIONS

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

Except as specifically defined herein, all words in these Shoreland Zoning provisions shall carry their customary dictionary meanings, unless specifically defined in these Shoreland Zoning provisions or in other provisions of the Raymond Land Use Ordinance. If there are conflicting definitions in these Shoreland Zoning provisions and in other provisions of the Raymond Land Use Ordinance the definition in these Shoreland Zoning provisions shall be used when defining terms in the Shoreland Zoning provisions. When defining terms in other provisions of the Land Use Ordinance, the definitions in these Shoreland Zoning provisions shall not apply.

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

Accessory Apartment- a separate dwelling unit of no more than 700 square feet, 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.

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

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

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

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

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

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

Boat Trailer - A vehicle designed to transport boats and other water-related recreational apparatus.

Bureau of Forestry – State of Maine Department of Agriculture, Conservation, and Forestry's Bureau of Forestry

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

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

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

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

Cupola – a non-habitable building feature mounted on a building roof for observation purposes, with a floor area of 53 square feet or less, and does not increase the existing height of the structure by more than 7 feet.

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

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

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 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.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

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.

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

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

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

Driveway – 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**.

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

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

Excavation Contractor – an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

Expansion of a structure - an increase in footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

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

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

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

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

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

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

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreland structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

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

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

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

Hazard tree – a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

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

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

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

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

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

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

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, one type of manufactured housing is allowed in the Shoreland Zoning, which shall be:

1. 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.

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

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

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

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

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

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

Native – indigenous to the local forests.

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

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

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

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

Non-native invasive species of vegetation – species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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

Parking Definitions:

Parking Area – An outdoor storage area for motor vehicles that is not located on a street right of way.

Off-Site Parking Lot – An outdoor storage area for motor vehicles that is located on a parcel or lot owned by a person or entity that is the same as the owner or lessor of the parcel or lot upon

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

which the permitted use associated with the parking is located.

Off-Site Parking Space – A parking space within a Parking Area that is located on a parcel or lot owned by a person or entity other than the owner or lessor of the parcel or lot upon which the permitted use associated with the parking space is located.

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

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

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

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

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

Principal structure – a structure other than one which is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

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

Public Boat Launching Facility - shall mean any facility made accessible for use by the general public and owned or operated by the Town of Raymond or the State of Maine, and designed for the launching and landing of watercraft. The facility may include an access ramp, docking area, and parking spaces designed to accommodate vehicles and trailers.

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

Recent Flood Plain Soils - Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial Cornish Charles Fryeburg Hadley Limerick Lovewell Medomak Ondawa Podunk Rumney Saco Suncook Sunday Winooski

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

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

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

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

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

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

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

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

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

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

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.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

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

1. in the case of electric service

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

2. in the case of telephone service

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

- a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

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

Shoreland Buffer Strip – a preserved vegetative strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or river flowing to a great pond or within a strip extending one hundred (100) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland.

Shoreland zone - The land area located within six hundred (600) feet, horizontal distance, of the normal high water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of freshwater wetland; within one hundred (100) feet, horizontal distance, of the normal high water line of a stream; or within an area designated on the Official Raymond Land Use Map as a Resource Protection, Stream Protection, Limited Residential/Recreation I, or Limited Residential/Recreation II district.

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

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

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

Storm-damaged tree – a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey to the point where the stream becomes a river or where a stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

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

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

Structure – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and their aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, § 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, § 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, § 4700-E, subsection 8.

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

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

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

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

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

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

TOWN OF RAYMOND SHORELAND ZONING PROVISIONS
SECTION 17 Definitions

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

Water body - any great pond, river or stream.

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

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

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

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

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

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

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

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