

**Town of Raymond Subdivision Ordinance
As adopted May 21, 1994 amended June 4, 2013
ARTICLE 1 – PURPOSE AND REVIEW CRITERIA**



SUBDIVISION REGULATIONS

TOWN OF RAYMOND

ADOPTED MAY 21, 1994

WITH AMENDMENTS ADOPTED:

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March 18, 2000 | May 18, 2002

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June 4, 2019

RAYMOND, MAINE

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ARTICLE 1 – PURPOSE AND REVIEW CRITERIA

The purpose of this Ordinance shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Raymond, Maine, the Planning Board shall evaluate the proposed subdivision, using the following criteria:

- A. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:
 - 1. The elevation of the land and its relation to flood plains;
 - 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
 - 3. The slope of the land and its effects on effluents; and
 - 4. The applicable State and local health and water resources regulations.
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed;
- F. Will provide for adequate solid and sewage waste disposal;
- G. Will not cause an unreasonable burden on the ability of the Town of Raymond to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed;
- H. Will not place an unreasonable burden on the ability of the Town of Raymond to provide municipal or governmental services;
- I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Raymond or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- J. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted

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town ordinance or regulation. In making this determination, the municipal review authority may interpret these ordinances and plans;

- K. The subdivider has adequate financial and technical capacity to meet the required standards;
- L. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Mandatory Shoreland Zoning, Act Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.
 - 1. To avoid circumventing the intent of this provision, if a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore.
 - 2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
- M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;
- N. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- O. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands;
- P. Any river, stream, or brook, as defined in the Natural Resources Protection Act, Title 38, Section 480-B, within or abutting the subdivision has been identified on any maps submitted as part of the application;

- Q. The subdivision will provide for adequate storm water management;
- R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- S. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision; and
- T. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

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ARTICLE 2 - AUTHORITY AND ADMINISTRATION

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1. Authority

- A. This Ordinance has been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, §§ 4401-4407 and all amendments thereto.
- B. This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Raymond, Maine."

2. Administration

- A. The Planning Board of the Town of Raymond, hereinafter called the Board, shall administer this Ordinance. The Board shall contain seven (7) members. A quorum of four (4) members shall be necessary to conduct a meeting. A majority vote of the quorum is required for the passage or denial of any motion before the Board.
- B. The provisions of this Ordinance shall pertain to all land within the boundaries of the Town of Raymond, Maine.

3. Amendments

- A. This ordinance may from time to time be amended, supplemented or repealed in accordance with the provisions of Revised Statues of Maine, as amended.
- B. Proposed amendments shall be acted upon in the following manner:
 - 1) Proposed amendments shall be submitted to the Planning Board for its consideration. The Planning Board shall hold a Public hearing and advertise the nature, date, time and place of the hearing not less than fifteen (15) days prior to the date of the hearing in a newspaper of general circulation throughout the Town.
 - 2) Prior to the Town Meeting at which the proposed amendment is to be acted upon, the Planning Board shall submit its official report. Failure of the Planning Board to submit a report shall constitute approval.
 - 3) A Town Meeting shall be held not less than fifteen (15) days after the date of the Public Hearing. A proposed amendment, which has been disapproved by the Planning Board, shall require a majority vote of the Town Meeting for approval.

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ARTICLE 3 - DEFINITIONS

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In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Antenna - A device for radiating or receiving radio waves and which is situated on a permanent foundation.

Buildable Land - That land in a parcel which is left over after all deductions made under the Net Residential area or acreage calculations have been made.
[Adopted 9/26/87]

Central Sewage System - A wastewater disposal system that receives wastewater from two or more structures. A "centralized" system may have a private sewer collection system flowing into a larger septic tank or it may have building drains flowing into individual smaller septic tanks. The wastewater, after receiving primary treatment in the septic tank or tanks may be pumped or gravity fed to a single subsurface disposal field or several fields on a common land area.

Comprehensive Plan - Any part or element of the overall plan and policy for development of the Town of Raymond, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, § 4314 and all amendments and revisions thereto.

Condominium - A multi-family dwelling where land and buildings are owned by the residents.

Construction Drawings – Drawings showing the location, profile, grades, size and type of drains, sewers, water main, underground power and telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

Driveway – Access route or right-of-way to any single family dwelling or to a duplex, triplex or fourplex building except where such buildings are developed as part of a larger subdivision.

Easement – The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer – Consulting engineer licensed by the State of Maine.

Final Subdivision Plan – The final drawings, on which the subdivider's plan of the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town and the Cumberland County Registry of Deeds.

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Legislative Body - Town Meeting, Municipality, Town of Raymond, Maine.

Minor Subdivision – A subdivision, as defined in Title 30-A § 4401 et. seq., as amended, containing fewer than five (5) lots, and which does not propose construction of a public street or extension of public water service. For purposes of this definition, common land within a subdivision, or land within a subdivision dedicated to open space, shall not be considered a lot.

Net Residential Area or Acreage - The area of a parcel, which is suitable for development as determined by the Planning Board, shall be calculated by subtracting the following from the total or gross acreage of a parcel: *[Adopted 9/26/87]*

1. Total acreage that is used for street and sidewalk rights-of-way.
2. Portions of the parcel containing slopes over thirty-five (35) percent.
3. Portions of the parcel shown to be within the 100-year flood plain and floodway as designated on Federal Emergency Management Agency (FEMA) maps.
4. Portions of the parcel located in the Resource Protection District.
5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to:
 - A. Water table at or near the surface for all or part of the year.
 - B. Unstable soils such as Sebago Mucky Peat.
6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in parcel if the entire tract were developed as a traditional minimum size subdivision.

Net Residential Density - Net Residential Density shall mean the number of units per net residential acre.

Official Map - The map adopted by the Town of Raymond, Maine, showing the location of public property, ways used in common by more than two (2) owners of abutting property and approved subdivisions; and any amendments thereto adopted by the Town of Raymond, Maine or additions thereto resulting from the approval of subdivision plans by the Board and the subsequent filing for record of such approved plans.

Open Space - Land set aside for passive and/or active use, including recreation purposes, preservation of environmentally sensitive areas, common open space in cluster subdivisions, undevelopable land and buffers.

Official Submittal Date - The time of submission of a Pre-application Plan, Preliminary Plan or Final Plan shall be considered the submission date of the

application for such plan approval to the Board, complete and accompanied by any required fee and all data required by these Standards.

Open Space Subdivision - A subdivision in which the dimensional requirements are reduced below that otherwise required in return for permanently preserved open space. *[Added 5/17/03]*

Person - Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Planning Board - The Planning Board of the Town of Raymond, Maine created under Title 30-A § 3001 of the Maine Revised Statutes, as amended.

Preliminary Subdivision Plan - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

Resubdivision - The division of an existing subdivision.

Sand and Gravel Aquifer - Areas identified on sand and gravel aquifer maps published by the Maine Geological Survey which are favorable for the development of ground water supplies from sand and gravel deposits.

Sidewalk - A paved way for pedestrian traffic, which is, constructed parallel to a road.

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

- **Minor Street**- A street designed to serve as primary residential access, and which meets the design standards for Public Streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- **Private Street** - A street designed to serve as primary access to two or more residential lots, which is built to standards as outlined in Section 5.5 Street Design Standards of the Town of Raymond Street Ordinance. Private Street are to be maintained by an owner, or ownership such as a homeowners association, and shall not be accepted as a public street unless the street is proven to meet the public Street standards as determined by the Public Works Director and a State of Maine Professional Engineer.

Structure - Anything built for the support, shelter or enclosure of persons,

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ARTICLE 3 - DEFINITIONS

animals, goods or property of any kind. For the purposes of this Ordinance, fences and structures such as doghouses, treehouses designed for children's use and bus shelters shall not be considered structures. Antennas shall be considered structures.

Subdivision - The division of a tract or parcel of land as defined in Title 30-A § 4401 et. seq., as amended.

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ARTICLE 4 - PREAPPLICATION

ARTICLE 4 - PREAPPLICATION

1. Procedure

- A. Generally, subdivision review is broken into three stages (Preapplication, Preliminary Plan, and Final Plan). This section sets forth the purpose and requirements for the first stage known as Preapplication review.

The Preapplication stage is a time for the applicant and Planning Board to discuss various options for the development of the site and the information that will be needed to address specific site circumstances and ordinance requirements. The plans may be very general and need not include specific engineering details.

- B. The following steps of Preapplication Sketch Plan review shall be administered so that projects brought before the Planning Board for formal plan review will be in order for consideration and in position to meet the requirements of the Subdivision Ordinance:

STEP 1: Advance Request To Be Placed On Agenda Required

The applicant shall request, through the Town Planner, to be placed on the Planning Board's agenda, for a pre-application conference, at least twenty-six (26) days prior to the regularly scheduled meeting at which the applicant wishes to be heard.

STEP 2: Planner Review of Submission Packet for Completeness

The Town Planner shall not place an applicant on the agenda until determining that the applicant has presented the submission packet as specified in section 2 of this Article.

STEP 3: Planning Board Reviews Sketch Plan and Exhibits

At the pre-application meeting, the Planning Board will review the Sketch Plan and accompanying exhibits with the applicant, answer the applicant's questions, and make specific suggestions for the applicant to consider incorporating in subsequent subdivision application submissions.

STEP 4: Classification of Subdivision

At the pre-application meeting, the Planning Board shall classify the proposed subdivision as a minor subdivision if the Board determines the proposed subdivision meets the definition of a minor subdivision. The Board shall also determine whether a conventional or open space design

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ARTICLE 4 - PREAPPLICATION

should be pursued. The Board shall notify the applicant of its determinations in writing.

If the proposed subdivision is classified as a minor subdivision, the application shall follow the procedures for minor subdivisions set out in Article 7 Minor Subdivisions.

STEP 5: Contour Interval Established

At the pre-application meeting, the Planning Board shall determine whether 2- or 5-foot contour intervals are required for subsequent submissions and shall notify the applicant in writing what contour intervals are required for what portions of the property.

STEP 6: Identification of Needed Studies

At the pre-application meeting, the Planning Board shall discuss with the applicant field studies that will be required to address site conditions and issues for the project.

Minor Subdivisions as defined by this Ordinance are generally expected to require less documentation to verify compliance than major subdivisions. However, the Board may require detailed studies or reports for any subdivisions based on particular project site development constraints or issues. In such cases, the Board will require applicants to include such documentation in the subdivision plan submissions to determine compliance with the ordinance criteria and standards.

Failure of the Board to identify a study or report at the pre-application stage shall not release the applicant from responsibility for providing that study or report where the Board determines that particular site conditions or project issues warrant the study or report.

STEP 7: On-Site Inspection Date Set

At the pre-application meeting, the Planning Board shall schedule an on-site inspection of the tract or parcel to be subdivided and shall notify the applicant of the time and date in writing.

The on-site inspection shall be jointly attended by the applicant or a duly authorized agent and by at least two members of the Planning Board. The site inspection shall not be intended to discuss the merits of the project but to verify the site conditions and to help the Board members relate to field conditions when the project undergoes formal subdivision review.

2. Submissions

- A. A Sketch Plan, showing the information specified in E. below, shall be submitted to the Planning Board.
- B. Number Of Copies: Fifteen (15) paper copies of the Sketch Plan shall be submitted.
- C. Sheet Size: The Sketch Plan shall be at least 11 x 17 inches, but no larger than 24 x 36 inches in size.
- D. Plan Scale: The Sketch Plan shall be drawn to scale.
- E. Information To Be Shown On The Plan:
 - 1) Location map shown on a 7.5 minute USGS quadrangle of the area (separate sheet);
 - 2) The tax map and lot numbers from Tax Assessor's Office describing the parcel(s) proposed to be subdivided;
 - 3) Documentation of the right, title, or interest of the applicant to pursue development of the property such as a deed showing ownership or a purchase and sale agreement, including any easements required for access or utilities. Any restrictions on the property such as covenants and/or easements should be noted.
 - 4) The outline of the tract or parcel to be subdivided, with known acreage of parcel and perimeter dimensions;
 - 5) True north arrow;
 - 6) The scale to which the plan is drawn;
 - 7) The present zoning classification of the parcel.
 - 8) A description of current use(s) of the site and abutting parcels that may affect development (e.g., farming, cut over forest, residential subdivisions).
 - 9) Identification of areas of significant topography, generally indicated by slopes exceeding fifteen percent (15%) grade and topographic features such as gullies, borrow pits, large rock outcrops, or knolls that may present constraints for development design;
 - 10) Preliminary wetlands, prepared by a qualified professional based on an on-site investigation, drainage courses, potential vernal pools, streams

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or ponds located in whole or in part on the parcel proposed to be subdivided and any State or locally required setbacks and/or buffers;

- 11) SCS medium intensity soil boundaries and a description of the suitability of soils for the proposed development, with notations of areas that will not pass State plumbing requirements for on-site wastewater disposal or will generally pose hazards due to poor drainage conditions;
- 12) Location of public utilities proposed to be utilized;
- 13) The conceptual layout and locations of lots, roads, driveways, buildings and septic systems;
- 14) An assessment of the safety of proposed road and driveway entrances with respect to sight line limitations of road curves and vegetative obstructions.

3. Open Space Subdivisions

- A. The subdivider may apply for a conventional subdivision or an open space subdivision in accordance with the provisions of Article 13 of the Land Use Ordinance, except that if the subdivision contains fewer than five (5) lots, the subdivider may not apply for an open space subdivision except as a conservation density subdivision¹[*Adopted 6/7/2012*]. If the subdivider applies for a conventional subdivision, the Sketch Plan shall show a proposed subdivision designed to meet the minimum requirements of the Land Use Ordinance and Subdivision Regulations.
- B. If the subdivider applies for an open space subdivision, in addition to submitting a Sketch Plan for a conventional subdivision, the subdivider shall submit a sketch plan of an open space subdivision designed to meet the requirements of Article 13 of the Land Use Ordinance. The submission shall include a narrative that addresses the applicability of each of the purposes in Section 13.A.2 of the Land Use Ordinance to the proposed subdivision.
- C. The maximum number of lots allowed in an open space subdivision shall be calculated as described in Section 13.C.2 of the Land Use Ordinance (this may require more detailed studies to identify the extent of constrained land that must be deducted from the parcel(s)' gross acreage.

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

- D. After review of the pre-application, if the Planning Board determines that an open space subdivision will achieve the purposes set forth in Section 13.A.2. that are applicable to the proposed subdivision as well as other applicable provisions of the Land Use Ordinance, Subdivision Regulations, and the Comprehensive Plan, the Board may advise the applicant to proceed with an application for an open space subdivision.

- E. If a complete build-out plan for the parcel has not been submitted, the Planning Board shall encourage, if appropriate, consideration of long-range planning to make the most effective use of the design standards and timing mechanisms available to accomplish the purposes set forth in section 13.A.2 of the Land Use Ordinance and to maximize the economic benefits to the applicant and the Town over time.

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ARTICLE 5 – PRELIMINARY PLAN

ARTICLE 5 - PRELIMINARY PLAN

1. Procedure

- A. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Preliminary Plan for the Subdivision. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The application and all required preliminary plan documentation shall be submitted to the Town at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board. *[Amended 12/02/08]*
- B. The application for conditional approval of the Preliminary Plan shall be accompanied by the following fees: *[Amended 06/03/2014]*

- (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.

Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the subdivider's application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the subdivider shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the subdivider and not spent by the Town in the course of its review shall be returned to the subdivider within six (6) months of approval of the Preliminary Plan in the

event the subdivider does not go forward with a Final Subdivision Plan, or sixty (60) days after the Board renders its final decision on the Final Subdivision Plan.

- C. In addition, the Board shall require the owner or the owner's authorized agent to deposit in escrow an amount of money sufficient to cover the costs of any professional review of the subdivision application, which the board may feel, is reasonably necessary to protect the general welfare of the Town. Amounts for this escrow payment are established in the Town Fee Schedule. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or the owner's agent. *[Amended 12/02/08]*
- D. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- E. Within forty-five (45) days of its first meeting for consideration of the Preliminary Plan Application (or such longer time as may be agreed upon between the Planning Board and the applicant), the Board shall take action to give preliminary approval, with or without conditions or modifications, or disapproval of such Preliminary Plan. The reason for any conditions or modification required or the ground for disapproval shall be stated upon the records of the Board and a copy provided to the subdivider.
- F. No Preliminary Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Raymond. Notice shall also be published in a newspaper of general circulation in the Town of Raymond at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.
- G. Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

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ARTICLE 5 – PRELIMINARY PLAN

2. Submissions

- A. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:
- 1) All the area within 2,500 feet of any property line of the proposed subdivision showing:
 - a) All existing subdivisions and approximate tract lines of acreage parcels.
 - b) Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section 1 above.
 - c) The boundaries and designations of parks and other public spaces.
 - d) An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.
- B. Preliminary Plan. *[Amended 12/02/08]* The Preliminary Subdivision Plan shall be submitted, with fifteen (15) copies of each map or drawing, together with fifteen (15) copies of any attachments required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show:
- 1) All existing information provided as part of the Sketch Plan.
 - 2) Number of acres within the proposed subdivision and zone boundaries.
 - 3) Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
 - 4) Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.

- 5) Contour lines at intervals of not more than five (5) for all portions of the property proposed to be developed.
- 6) Typical cross-sections of the proposed grading for roadways, sidewalks, etc. including width, type of pavement, elevations and grades. All such plans shall be based on an on-ground topographic survey at two (2) foot contour interval or less.
- 7) Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- 8) Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- 9) A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in certain instances.
- 10) If a private sewage disposal system is proposed, the location of at least one test pit with acceptable soil conditions for subsurface sewage disposal per the latest edition of "State of Maine Subsurface Wastewater Disposal Rules" (Rules) shall be shown on each lot. The size of a leach field shall be estimated, based on the test pit data for each lot and shown on the subdivision plan. A Well Exclusion Zone shall be shown extending 125 feet from each corner of the proposed leach field location. A completed HHE 200 form must be submitted with preliminary application for multi-family subdivisions.
[Amended 12/02/08]
- 11) For subdivisions of greater than 4 (four) lots that are not served by public sewer, a hydrogeologic assessment prepared in accordance with Section 8.14 by a certified geologist or registered professional engineer experienced in hydrogeology.
- 12) A storm water management plan, prepared by a registered professional engineer, which meets the applicable requirements and standards of Article 9, section 14, shall be submitted for review. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District. *[Amended 12/02/08]*
- 13) Preliminary designs of any bridges or culverts, which may be required along with State approval if, required.
- 14) A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise

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the basic layout in the field.

- 15) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 16) The location of all natural features or site elements to be preserved.
- 17) The applicant shall submit an 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*”, March 2003 and as amended.

The Board may require the review and endorsement of this plan by the Cumberland County Soil and Water Conservation District or some other third party qualified to conduct such review, the cost of which shall be borne by the Applicant. *[Amended 12/02/08]*

- 18) Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- 19) Base Flood Elevation Data.
- 20) A landscaping plan.
- 21) The location of significant resources including important deer wintering areas, other important plant or wildlife habitat and areas with visual significance.
- 22) The location of any trail, trail system or greenbelt that crosses the property.
- 23) An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street
State House Station 55
Augusta, Maine 04333

Include a request that the Raymond Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- 24) A plan for ensuring an adequate on-site water supply for fire suppression, such as a fire pond, underground storage or extension of a public water supply, together with appurtenant piping and hydrants, designed by a registered professional engineer or an approved building sprinkler system. The plan shall include any existing or proposed perpetual easements necessary to ensure access to fire fighting water supply or hydrants. *[Adopted 3/15/97]*
- 25) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours and the sight distances for each driveway that intersects an existing or proposed public or private road in accordance with the provisions of Article 9, Section 5.
- 26) For subdivisions that will generate more than 200 vehicle trips per day, a traffic impact analysis prepared by a registered professional engineer with experience in traffic engineering. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service on the road giving access to the subdivision and neighboring roads that may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates shall be obtained from the latest edition of "Trip Generation", published by the Institute of Transportation Engineers.
- 27) A phosphorous control plan prepared by a registered professional engineer which meets the applicable requirements and standards of Article 9, section 14, shall be submitted for review. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District. *[Amended 12/02/08]*
- 28) Right, title or interest of the applicant in the property to be subdivided.

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ARTICLE 6 - FINAL PLAN

ARTICLE 6 - FINAL PLAN

1. Procedure

- A. The subdivider shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The subdivider may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after approval of the Preliminary Plan, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. All applications for Final Plan approval for subdivisions shall be accompanied by a fee payable by check to the Town of Raymond, Maine. (See Town Fee Schedule.) The application and all required final plans shall be submitted to the Town Office at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard.
[Amended 12/02/08]
- B. If the proposed subdivision requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, the final plan shall not be approved by the Board until all such approvals are obtained.
- C. Water Supply system proposals contained in the Subdivision Plan shall be approved in writing by a civil engineer registered in the State of Maine, if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the State of Maine Department of Human Services.
- D. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by the State of Maine Department of Human Services, if a separate central sewage collection and treatment system is to be utilized, or the local Plumbing Inspector if individual septic tanks are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.
- E. A public hearing may be held concerning the Final Plans as prescribed in Article 5, Section 1.F.

2. Submissions

- A. The Final Plan shall be submitted with the mylar original, two

reproducible mylars and fifteen (15) copies, of each map or drawing, together with fifteen (15) copies of any attachments required for approval. All maps and drawings shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. *[Amended 12/02/08]* The Final Plan shall show:

- 1) All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board.
 - 2) The name, registration number and seal of the land surveyor or engineer or planning consultant who prepared the plan.
 - 3) Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
 - 4) Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
 - 5) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearing for each street.
 - 6) Lots within the subdivision numbered as prescribed by the Board.
 - 7) By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
 - 8) Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
 - 9) The Plan shall indicate the proposed landscaping program of the subdivider.
 - 10) Any conditions of approval required by the Board
 - 11) A statement indicating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Board.
- B. There shall be submitted to the Board with the Final Plan written offers of cession to the Town of Raymond of all public open space shown on the Plan, and copies of agreements or other documents are to be submitted

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showing the manner in which spaces, title to which is reserved by the subdivider.

3. Final Approval and Filing

- A. Upon completion of the requirements in Article 5 and 6 above, it shall be deemed to have final approval and the mylar copy shall be properly signed by a majority of the members of the Board, using black ink.
- B. The Board shall act on a Final Plan within thirty (30) days from the date of receipt of the completed application (as described in Article 1, Section 2 above) unless the subdivider agrees to an extension of the period.
- C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions of the Plan. The applicant may request that only a section of the approved Plan be filed with the Board and the Cumberland County Registry of Deeds if said section constitutes at least twenty-five (25) percent of the total number of lots contained in the approved Plan. In these circumstances, Plan approval on the remaining sections of the Plan shall remain in effect for two (2) years or a period of time mutually agreed to by the Board and the Subdivider.
- D. After the Final Plans have had the mylar approval entered upon them, a copy of the plans shall be returned to the subdivider. One (1) signed copy, shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within sixty (60) days of the date upon which such Plan is, signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days.

Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires. *[Adopted 5/16/87]* The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by Article 10, Section 1 of this Ordinance have been placed.

4. Amendments to Previously Approved Subdivision Plan

Prior to making any change, erasure, modification or revision to a final Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in Article 5, Section 1.F of this Ordinance. All amended plans must be signed by the Board and recorded in the Registry of Deeds within sixty (60) days of the date the plan is signed. Any amended plan not so filed or recorded within sixty (60) days of the date the plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

5. Plan Revisions After Approval

No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Board approves any modification as outlined in Section 4 of this Ordinance. In the event that a Final Plan is recorded without complying with this requirement, the Board shall file an affidavit with the Cumberland County Registry of Deeds stating that the plan is null and void.

6. Public Acceptance of Streets, Recreation Areas

- A. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Raymond, Maine of any street, easement or other open space shown on such Plan.
- B. When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Town of Raymond of such areas. The Board shall require the Plan to be endorsed with appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Town Manager covering future deed and title, dedication and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

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ARTICLE 7 - MINOR SUBDIVISION

ARTICLE 7 - MINOR SUBDIVISION

If the proposed subdivision is classified as a minor subdivision, the application shall follow the procedures for minor subdivisions set out in this Article.

1. Procedure

- A. Within six (6 months) after Sketch Plan acceptance by the Board, the subdivider shall submit an application for the consideration of a Minor Subdivision Plan. Failure to do so shall require re-submission of the Sketch Plan to the Board for review. The application and all required documentation shall be submitted to the Town at least twenty-six (26) days prior to the first Planning Board meeting of the month during which the subdivider wishes to be heard. The Minor Subdivision Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Board.

- B. The application for approval of the Minor Subdivision Plan shall be accompanied by the following fees: *[Amended 06/03/2014]*
 - (1) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.

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

The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than fifty percent (50%) of the escrow account prior to completing its review, the subdivider shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those

monies deposited by the subdivider and not spent by the Town in the course of its review shall be returned to the subdivider within sixty (60) days after the Board renders its final decision on the application.

- C. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the Minor Subdivision Plan.
- D. Within forty-five (45) days of its first meeting for consideration of the Minor Subdivision Plan Application (or such longer time as may be agreed upon between the Planning Board and the applicant), the Board shall take action to give Minor Subdivision approval, with or without conditions or modifications, or disapproval of such Minor Subdivision Plan. The reason for any conditions or modifications required or the ground for disapproval shall be stated upon the records of the Board and a copy provided to the subdivider.
- E. No Minor Subdivision Plan shall be acted on by the Board until the Board has scheduled and conducted a public hearing thereon. Notice of the time, place and date of such hearing shall be sent not less than seven (7) days before the hearing to the subdivider and to owners of property within 250 feet of the properties involved. Property owners shall be those listed in the most recent tax records of the Town of Raymond. Notice shall also be published in a newspaper of general circulation in the Town of Raymond at least two times, and the first date of the publication shall be at least seven (7) days prior to the public hearing. Failure to receive notice shall not invalidate the public hearing held.

2. Submissions

- A. Location Map. The Minor Subdivision Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show:
 - 1) All the area within 500 feet of any property line of the proposed subdivision showing:
 - a) All existing subdivisions and approximate tract lines of acreage parcels.
 - b) Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section 1 above.
 - c) The boundaries and designations of parks and other public spaces.

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ARTICLE 7 - MINOR SUBDIVISION

- B. Minor Subdivision Plan. The Minor Subdivision Plan shall be submitted, with fifteen (15) copies of each map or drawing, together with fifteen (15) copies of any attachments required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch (preferably forty (40) feet to the inch). The Minor Subdivision Plan and accompanying materials shall show:
- 1) All existing information provided as part of the Sketch Plan.
 - 2) Number of acres within the proposed subdivision and zone boundaries.
 - 3) Proposed lot lines with approximate dimensions, lot numbers, areas in square feet and suggested locations of buildings.
 - 4) Proposed easements, forested areas, perennial and intermittent watercourses, and wetlands. The boundaries of any wetlands depicted on the plans shall be delineated by a wetlands scientist.
 - 5) Contour lines at intervals of not more than five (5) for all portions of the property proposed to be developed.
 - 6) Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
 - 7) Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
 - 8) A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in certain instances.
 - 9) If private sewage disposal systems are proposed, location and results of tests to ascertain subsurface soil ground water conditions and depths to maximum ground water level.
 - 10) A standard boundary survey plan of the property to be developed prepared by a licensed land surveyor and the location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
 - 11) Certification by a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
 - 12) Base Flood Elevation Data.

- 13) An owner or his authorized agent shall submit information on the location of the development to the following address:

State Historic Preservation Officer
Maine Historic Preservation Commission
55 Capitol Street
State House Station 55
Augusta, Maine 04333

Include a request that the Raymond Planning Board be notified of any comments. The applicant shall submit to the Planning Board proof of such notification, including a copy of the letter to the State Historic Preservation Officer.

- 14) A phosphorous control plan for any portion of the subdivision within the watershed of a great pond prepared in conformance with the provisions of Article 9, Section 14.
- 15) Right, title or interest of the applicant in the property to be subdivided.
- 16) Additional plans, studies, or submissions identified by the Planning Board at Sketch Plan review as needed to address issues to be addressed by the applicant.

3. Filing

After the Minor Subdivision Plan has had the mylar approval entered upon it, a copy of the plan shall be returned to the subdivider. One (1) signed copy shall be retained by the Town to be maintained in the Subdivision Plan File. The Plan shall be filed by the applicant with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within sixty (60) days of the date upon which such Plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires.

The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Registry of Deeds and a letter from the subdivider has been submitted to the Town stating that all permanent monuments as required by Article 11, Section 1 of this Ordinance have been placed.

4. Amendments to Previously Approved Subdivision Plan

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ARTICLE 7 - MINOR SUBDIVISION

Prior to making any change, erasure, modification or revision to a Minor Subdivision Plan which has been approved by the Board and endorsed in writing on the plan, the plan must be resubmitted to the Board for their review and approval of the proposed modifications. A public hearing may be held concerning a subdivision amendment as prescribed in Section 1.F above. All amended plans must be signed by the Board and recorded in the Registry of Deeds within sixty (60) days of the date the plan is signed. Any amended plan not so filed or recorded within sixty (60) days of the date the plan is signed by the Planning Board shall become null and void, unless the particular circumstances of said applicant warrant the Board to grant an extension which shall not exceed two additional periods of sixty (60) days. Any extension of the 60-day period must be requested of the Planning Board before the previous 60-day period expires. The applicant shall provide the Code Enforcement Officer (CEO) with a receipt from the Registry of Deeds within that time limit stating that the plan has been filed and giving the book and page numbers.

5. Plan Revisions after Approval

No changes, erasures, modifications, or revisions shall be made in any Minor Subdivision Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Board approves any modification as outlined in Section 4 of this Article. In the event that a Minor Subdivision Plan is recorded without complying with this requirement, the Board shall file an affidavit with the Cumberland County Registry of Deeds stating that the plan is null and void.

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ARTICLE 8 - PERFORMANCE GUARANTEES

ARTICLE 8 - PERFORMANCE GUARANTEES

1. Procedure and Form of Guarantee

The subdivider shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of a building permit, a performance guarantee in the form of a certified check payable to the Town of Raymond, a performance bond running to the Town of Raymond, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.

2. Phased Developments

At the discretion of the Town Manager, the subdivider may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.

3. Time Limitations

A period of one year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.

4. Inspection of Required Improvements

- A. At least fifteen (15) days prior to commencing construction of required improvements, the subdivider shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.
- B. At least five (5) days prior to commencing construction of required improvements, the subdivider shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Raymond stating the purpose of the fee. No building permits shall be issued on the project and no work begun until

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the inspection fee has been paid.

- C. If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the subdivider and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.
- D. If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Manager, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Code Enforcement Officer.
- E. Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider.
- F. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

5. Inspections Prior to Release of Performance Guarantee

- A. The performance guarantee shall not be released by the Town Manager until:
 - 1) The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications.
 - 2) The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with his findings. Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

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ARTICLE 9 - GENERAL REQUIREMENTS

ARTICLE 9 - GENERAL REQUIREMENTS

In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

1. Conformity with Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Raymond and with the provisions of all pertinent state and local codes and ordinances.

2. Relationship to Community Services

- A. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Preliminary Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to: schools, including busing; road maintenance and snow removal; police and fire protection; solid waste disposal; recreation facilities; runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps.
- B. The Board may require the developer to provide a Community Impact Statement to the Town for the above services, including reasonable cost estimates to the Town and the expected tax revenue of the subdivision.

3. Retention of Proposed Public Sites and Open Spaces

- A. For residential subdivisions, the subdivider shall reserve a minimum of ten (10) percent of the gross area of the subdivision as open space. Depending on the size and location of the subdivision, the Board may require the developer to provide up to ten (10) percent of his total area for recreation. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.
- B. Developers shall be encouraged to retain any existing trail system, which crosses the property, or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained.
- C. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.
- D. The Planning Board shall consider the comments of the State Historic

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Preservation Officer, if any, and may require that significant archaeological or historical sites be preserved to the maximum extent possible both during construction and following completion of the development.

- E. Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a playfield, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than twenty-five (25) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
- F. Where the proposed subdivision is located on a lake, pond, river, or stream, a portion of the waterfront area shall be included in reserved land. *[Adopted 5/16/87]* The reserved land shall comply with the following requirements: *[Adopted 6/7/12]*
- 1.) The reserved land shall be a minimum of fifty (50) feet, linear distance as measured along a straight line (the “waterfront measurement line”) connecting the two (2) end points of the reserved land along the waterfront.
 - 2.) The depth of the reserved land shall be a minimum of fifty (50) feet from a particular waterfront point running perpendicular to the waterfront measurement line. Such particular waterfront point shall be on the waterfront where a line drawn perpendicular from the midpoint of the waterfront measurement line intersects the waterfront.
 - 3.) The total area of the reserved land shall, at a minimum, equal the length of the required minimum waterfront measurement line multiplied by fifty (50) feet.
 - 4.) Side lot lines of the reserved area shall run approximately perpendicular to the waterfront measurement line.

All lots within the subdivision shall have a right to access the reserved land along the waterfront and the subdivision plan shall include a statement of and references to the legal mechanism to ensure such access in perpetuity. Where practicable, any other reserved open space contained in the subdivision should be connected to the waterfront reserved land. *[Adopted 5/16/87; Revised 6/2/11]*

- G. Ownership shall be clearly indicated for all reservations of park and playground purposes on the Final Plan and shall be clearly established in a

manner satisfactory to the town attorney so as to ensure the continuation of responsibility for ownership maintenance. The land or a part of it may be deeded to the Town of Raymond subject to the approval of the Town.

- H. The Board may further require that the developer provide space for future municipal uses, in accordance with a Comprehensive Plan or policy statement, giving the Town first option on the property.

4. Preservation of Natural and Historic Features

The Board shall require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible. In all districts except Village Residential I and Village Residential II, a fifty (50) foot buffer strip shall be provided where the proposed subdivision abuts an existing road.

5. Traffic Sight Distance

All points of access from the subdivision onto existing or proposed public or private roads shall be so designed in profile and grading and so located as to provide a minimum sight distance in each direction of 10 feet per each mile per hour of posted speed limit. The measurements shall be from the driver's seat of a vehicle standing on the exit driveway 12 feet behind the curb line or edge of travelway, with the height of eye 3.5 feet to the top of an object 4.25 feet above the pavement.

6. Conformance to Shoreland Zoning

Wherever situated, in whole or in part, within 250 feet of the normal high water mark of any pond, river or other fresh water body, or otherwise as shown on the Official Shoreland Map, the proposed subdivision shall conform to the Shoreland Zoning Provisions for the Town of Raymond, Maine.

7. Easements for Natural Drainage Ways

Where a subdivision is traversed by a natural watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse of such width as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

8. Net Residential Density

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ARTICLE 9 - GENERAL REQUIREMENTS

The calculation of density for all residential subdivisions shall be based on the net residential area or acreage of the parcel as defined herein.

9. Lots

- A. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development proposed.
- B. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- C. Wherever possible, side lot lines shall be perpendicular to the street.
- D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- E. Except for an open space subdivision approved by the Board pursuant to this Ordinance, all lots shall meet the minimum lot size of the zoning district in which it is located.
- F. Each subdivision lot shall include a suitable area for a well and a subsurface wastewater disposal system (SSWDS). All wells shall be located at least ten feet away from any property line, or road right-of-way. All wells and all components of a SSWDS shall meet all other applicable setback requirements. [*Adopted 12/02/08*]

10. Utilities

- A. The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, etc. shall be approved by the Board and installed in accordance with the requirements of the Board and this Ordinance.
- B. Utilities shall be installed underground except as otherwise approved by the Board.
- C. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage.

11. Additional Requirements

- A. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
- B. The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a planting screen easement at least twenty (20) feet wide, except as may otherwise be required by the Zoning Ordinance, between abutting properties that are so endangered.
- C. Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which the subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in this Ordinance.

12. Required Improvements

The following are required improvements: monuments, street signs, streets, landscaping, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of this Ordinance.

13. Impact on Ground Water

- A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - 1) A map showing the basic soils types.
 - 2) The depth to the water table at representative points throughout the subdivision.
 - 3) Drainage conditions throughout the subdivision.
 - 4) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - 5) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision and at the subdivision boundaries. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.

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- 6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

- C. No subdivision shall increase any contaminant concentration in the ground water, at any on-site well, at any lot line or at the subdivision boundary to more than the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water at any on-site well, at any lot line, or at the subdivision boundary to more than the Secondary Drinking Water Standards.

- D. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

- E. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

- F. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

14. Phosphorous Control [*Adopted 12/02/08*]

- A. For all subdivisions that are required to obtain a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D, the calculations, plans and any other materials submitted to Maine DEP shall be submitted to the Town of Raymond for review.

- B. For all subdivisions that require phosphorus allocation calculations as part of a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D, these calculations shall be submitted to the Town of Raymond for review. Phosphorus export calculations must demonstrate that construction and long term operation of the development will not result in the export of phosphorus in excess of the allocation in the latest edition of "*Per Acre Phosphorus Allocations for Selected Maine Lakes*," issued by Maine DEP. Calculations of phosphorus export quantities shall be based on the latest edition of "*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*", issued by Maine DEP.

- C. For all subdivisions that are not required to obtain a permit pursuant to the Stormwater Management Law, 38 M.R.S.A. § 420-D, or that are required only to obtain a stormwater permit by rule (PBR), the applicant shall demonstrate that:
- 1) each lot in the subdivision will comply with the provisions of Article 9 Section U.5 (Stormwater) of the Town of Raymond Land Use Ordinance prior to start of any construction activity on that lot and prior to issuance of a building permit for that lot, and
 - 2) all proposed new streets in the subdivision will be designed and constructed so that construction and long term operation of the streets and related facilities will not result in the export of phosphorus in excess of the allocation in the latest edition of "*Per Acre Phosphorus Allocations for Selected Maine Lakes*," issued by Maine DEP. Calculations of phosphorus export quantities shall be based on the latest edition of "*Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development*," issued by Maine DEP.

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ARTICLE 10 – DESIGN STANDARDS

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1. Monuments

- A. Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.
- B. All road angle monuments shall be constructed of stone and shall be a minimum of four (4) inches by four (4) inches and four (4) feet long. All other monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The monument shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for survey. Where the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

2. Street Signs

Streets, which join or are in alignment with streets of abutting or neighboring properties, shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

3. Streets

- A. Classification. In accordance with the Comprehensive Development Plan for the Town of Raymond and for the purposes of this Ordinance, streets are classified by function, as follows:
 - 1) Major Streets - Streets that serve primarily as major traffic-ways for travel between and through towns.
 - 2) Minor Streets - Local streets that are used primarily for access to abutting residential, commercial or industrial properties, including interior roads within single and multi-family subdivisions.
- B. Layout
 - 1) Proposed streets shall conform, as far as practical, to the requirements of the Raymond Street Ordinance.
 - 2) All streets in the subdivision shall be so designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging

movement of through traffic.

- 3) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.
- 4) Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses in accordance with the standards of Article 9, Section C of the Land Use Ordinance.
- 5) Single family subdivisions, including single family open space subdivisions, containing a maximum of fourteen (14) lots may have one dead-end cul-de-sac street, up to 1,000 feet in length, connecting with existing public streets or streets on an approved subdivision plan for which a bond has been filed.

Multi-family subdivisions containing more than four (4) units but less than twenty-five (25) dwelling units may have one dead-end cul-de-sac street, up to 1,000 feet in length, connecting with existing public streets or streets on an approved subdivision plan for which a bond has been filed. If two entrances into a multi-family subdivision with twenty-four (24) units or less is planned, such entrances shall meet the spacing requirements set forth in Article 10, Section 3.B.6 of this Ordinance.

- 6) Single-family subdivisions including single family open space subdivisions, containing fifteen (15) lots or more and multi-family subdivisions containing more than twenty-five (25) dwelling units shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which a bond has been filed. The above referenced street connections shall connect within the subdivision. Entrances onto existing or proposed collector streets shall be a minimum distance apart of 400 feet. Entrances onto existing or proposed arterial streets shall be a minimum distance apart of 1,000 feet.
- 7) Commercial subdivisions may have one dead-end street up to 1,000 feet in length. Such street shall be constructed with a cul-de-sac or turnaround at its terminal end. If two entrances to a commercial subdivision are proposed, such entrances shall meet the spacing requirements set forth in Article 10, Section 3.B.6 of this Ordinance.

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- 8) The Board may require right-of-way widths be provided if it determines that future extension of the street may occur. Such additional widths shall be consistent with the right-of-way width of the dead-end street.
- 9) All subdivisions shall be designed to provide access to individual lots only by interior subdivision roads. Direct access from any public road to any lot in a proposed subdivision shall be prohibited unless the Planning board determines that physical conditions unique to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if one of the following conditions is met:
 - a) There is too little road frontage to reasonably allow creation of a new way;
 - b) The shape or physical condition of the parcel does not permit access to or creation of a street other than the existing public way; or
 - c) Common access will be utilized which will allow all proposed lots to be serviced by common curb cuts. Street entrances onto existing state-aid or state highways in the above described areas, and driveway or street entrances onto existing state-aid or state highways in all other areas must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board at the time of final review.
- 10) Where subdivision streets are to remain private roads, the following statement shall appear on the plan to be recorded:

“All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town until they meet all municipal street design and construction standards and are approved as such by the Town Meeting.”

C. Design and Construction Standards

Streets within the subdivision shall meet the design and construction standards of Section 5 of the Raymond Street Ordinance. *[Amended 12/2/08]*

4. Driveway Construction

A new driveway in any zone shall be constructed and maintained to prevent water

or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. *[Amended 3/20/99]*

5. Sidewalks

Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such locations as the Board may deem necessary.

6. Water Supply

- A. Storage shall be provided as necessary to meet fire protection needs as determined by the Fire Department at the subdivider's expense.
- B. The minimum water main permitted shall be six (6) inches and shall be installed at the expense of the subdivider.
- C. The water supply system shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.
- D. Because they are difficult to maintain in a sanitary condition, dug wells shall be permitted only if it is not economically or technically feasible to develop other groundwater sources.
- E. When fire fighting water supply or hydrants are required but not located within a proposed or existing right of way of a public street, perpetual easements shall be provided to the Town allowing for maintenance, improvements, testing and use. *[Adopted 3/15/97]*

7. Sewage Disposal *[Amended 12/02/08]*

- A. Septic tanks and disposal fields shall meet the setback distances from on-site and off-site features as required in the latest edition of "State of Maine Subsurface Wastewater Disposal Rules" (Rules).
- B. An application for an individual septic system shall be completed by a State Licensed Site Evaluator in full compliance with the requirements of the Rules.
- C. Plans for Engineered Wastewater Disposal Systems, as defined in the Rules shall be designed by a professional Civil Engineer and approved by the State of Maine Department of Human Services.
- D. For all subdivisions a plan shall be provided, on which the location of at

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least one test pit with acceptable soil conditions for subsurface sewage disposal per the Rules is identified on each proposed lot. The size of a leach field shall be estimated, based on the test pit data for each lot and shown on the subdivision plan. A well exclusion Zone shall be shown extending 125 feet from each corner of the proposed leach field location.

8. Surface Drainage

- A. All improvements recommended in the drainage plan submitted pursuant to Article 5, Section 2.B.12 shall be shown on the approved plan.
- B. Topsoil shall be considered part of the subdivision. Except for "surplus" topsoil for roads, parking areas and building excavations, it is not to be removed from the site.
- C. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in the sedimentation and erosion plan submitted pursuant to Article 5, Section 2.B.17.
- D. To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning Provisions of the Town of Raymond, Maine.

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ARTICLE 11 - ENFORCEMENT

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1. Final Plan Approval Required for Recording

No plan of a subdivision of land within the boundaries of the Town of Raymond which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Cumberland County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in this Ordinance, nor until such approval shall have been entered on such Final Plan by the Board.

2. Approval and Recording Required for Subdivision Land Conveyance

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Cumberland County Registry of Deeds.

3. Town's Recourse for Violation

Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set by the Selectmen for each such conveyance, offering or agreement. The Town of Raymond may institute proceedings to enjoin the violation of this section.

4. Final Plan Approval Required for Public Utilities Service

No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

5. Final Plan Approval and Recording Required for Construction or Grading

Not only is making a subdivision without Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a Final Plan of such subdivision shall have been duly prepared, submitted, approved and endorsed as provided in this Ordinance, and until the original copy of the Final Plan so approved and endorsed has been duly recorded in the Cumberland County Registry of Deeds.

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ARTICLE 11 - ENFORCEMENT

6. Expiration of Final Plan Approval.

Site Plan and Subdivision Plan approvals shall expire and be void if the construction activity associated with the approval is not commenced within two (2) years, and completed within four (4) years after the date of the site plan or subdivision plan approval unless the reviewing authority, at the time of approval, establishes a different completion schedule, but in no case shall the initial approval period exceed five (5) years to commence and complete. A property owner/developer or their agent may request an extension of the period to commence and/or complete construction by submitting a request to the reviewing authority that issued the site plan or subdivision plan approval prior to the expiration of the initial term of approval. The reviewing authority may grant a one-time extension of up to two years to commence and/or complete construction. If construction is not commenced or completed within the approval time frame, the applicant must reapply for, and receive approval prior to beginning or continuing construction. Projects approved as Phased Developments shall only be approved by the Planning Board, and the above expiration of approval terms shall apply to any one phase of construction activity. For the purposes of this Section, this section, "commencement of construction" shall be defined to include, but not be limited to, any land/site or vegetation clearing, site disturbance, stockpiling or excavation of soil on the site property, or building expansion or alterations in accordance with the approved plans. The determination of whether construction has commenced shall be in the sole discretion of the Code Enforcement Officer.

7. Severability

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

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ARTICLE 12 - WAIVERS AND LEGAL PROVISIONS

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1. Authority to Grant Waivers

Where the Planning Board finds that undue hardship, not self-imposed, will result from strict compliance with this Ordinance, it may grant waivers, providing that such waivers will not have the effect of nullifying the intent and purpose of this Ordinance. *[Adopted 5/16/87]*

2. Waiver Criteria

In granting waivers, the Board shall utilize the following criteria in determining whether or not there is sufficient evidence to establish that the practical difficulties and unusual hardships are caused by special conditions peculiar to the particular property and not common to other property in the general area, and that such waivers can be granted without detriment to the general area.

- A. Location, character, and natural features. What effect does the proposed subdivision have on the prevailing character of the area?
- B. Landscaping, topography, and natural drainage. Will the proposed subdivision necessitate any changes in the natural environmental aspect of the area?
- C. Vehicular access, circulation and parking. Will the proposed subdivision generate unusual traffic conditions affecting the general area?
- D. Pedestrian circulation. Will the proposed subdivision have any effect on the pedestrian traffic as regards to convenience and safety?
- E. Signs and lighting. Will the proposed subdivision distribute or generate any degree of nuisances to abutting property owners?
- F. Public safety. The Board shall state its findings in writing in detail; such shall be made a part of the record of each appeal.
- G. Does the proposed subdivision violate any of the basic criteria established in Article 1, A through Q?

3. Appeal of Board Decisions

An appeal of any order, relief or denial made by the Board may be referred by any party to the Superior Court.

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ARTICLE 12 - WAIVERS AND LEGAL PROVISIONS

4. Applicability

The provisions of this Ordinance, not specifically required by M.R.S.A., Title 30-A, §§4401-4407 shall not apply to any subdivision which has been approved by the Board and recorded in the Registry of Deeds of Cumberland County prior to 5/21/94 (the date of original enactment of this ordinance).

5. Effective Date

This Ordinance is effective January 1, 1987, as adopted by the Town as supplement to the regulation adopted March 1971, revised, July 1974 and March, 2000.