

Proposed Raymond Planning Board Warrant Articles

For Land Use Ordinance Amendments

To be voted on at Raymond Town Meeting – June 6, 2017

At Town Meeting to be held this June 6, 2017 the citizens of Raymond will be asked to vote on (xx) Warrant Articles pertaining to proposed amendments to the Land Use Ordinance. Set out below is the text of the question for each article followed by a brief description of the proposed amendment. The questions include a reference to the ordinance provision proposed for amendment.

➤ **ITEM 1 (ARTICLE 2 ON THE WARRANT)**

DESCRIPTION:

****This item is reserved for additional consideration.****

➤ **ITEM 2 (ARTICLE 4 OF THE WARRANT)**

DESCRIPTION:

Town staff is recommending a change to specific sign standards in order to allow approved agricultural uses within the residential zones to have more appropriate signage for their use by applying the sign standards for commercial zones to these properties.

WARRANT LANGUAGE:

ARTICLE 9 – MINIMUM STANDARDS

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L. Signs

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10. Specific Standards

a. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential-Recreation I, Limited Residential-Recreation II, Village Residential I, Village Residential II, Rural and Rural Residential districts, and any other residentially-zoned districts.

1. Signs related to goods and services lawfully sold on the premises are allowed, but shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises except as otherwise allowed pursuant subparagraph (4) below.

2. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

3. No sign shall extend higher than twenty (20) feet above the ground.

4. Signs advertising approved commercial uses in the residential zones fronting on Route 302, will be allowed to the maximum size and number allowed in the commercial zone.

5. Signs advertising approved agricultural uses in the residential zones will be allowed to the maximum size and number allowed in the commercial zone.

➤ **ITEM 3 (ARTICLE 5 OF THE WARRANT)**

DESCRIPTION:

Town staff is recommending changes to the site plan regulations to clarify that back lot~~s~~ are subject to Staff Site Plan Review.

WARRANT LANGUAGE:

ARTICLE 10 – SITE PLAN REVIEW

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

1. Except for single-family dwellings, duplex dwellings, accessory uses to single-family or duplex dwellings, maintenance of an existing building or facility, or interior renovations to an existing building or facility which do not change the use(s) or increase the amount of parking required under Article 9, Section C, no building permit shall be issued for a new building, a new facility, an exterior renovation to an existing building or facility, any alteration to or addition of impervious areas, or any substantial change to the use of an existing building or facility until the plans, drawings, sketches, and other documents required under this section have been reviewed and approved in accordance with the Site Plan Review provisions set out in this section below.

2. Site Plan Reviews shall be classified by the Town Planner as follows:

a. Staff Review. A site plan application shall be classified as a Staff Site Plan Review so long as, in any two year period: *[Amended 06/03/2014]*

1. any new building or any additions to existing buildings proposed by the application are more than 500 square feet but do not exceed 2,400 square feet of new Gross Floor Area, and

2. any exterior building renovation proposed by the application do not exceed 2,400 square feet of building surface area, and

3. any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 10,000 square feet.

4. the proposed development project includes the ~~any construction~~ development of back lots and/or construction of back lot driveways under Article 9 – Minimum Standards, Section T.

b. Minor Review. A site plan application which exceeds the thresholds for Staff Site Plan Review shall be classified as a Minor Site Plan Review so long as, in any period:

1. any new building or any additions to existing buildings proposed by the application do not exceed 4,800 square feet of new Gross Floor Area, and

2. any exterior building renovation proposed by the application do not exceed 4,800 square feet of building surface area, and

3. any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 20,000 square feet.

4. the proposed development project includes ~~any~~ new construction, or alteration to, or ~~for~~ the extension of, a private or public street which does not warrant review under Town of Raymond Subdivision Regulations.

➤ **ITEM 4 (ARTICLE 3 ON THE WARRANT)**

DESCRIPTION:

Language has been added to the Land Use Ordinance calling for the expiration of subdivision plans, in addition to site plans. There are several approved subdivisions in the Town which have not been completed, and this amendment gives the Town the ability to have these outstanding subdivisions expire if they do not commence within two years and are not completed within four years. The Town Attorney, Shana Cook Mueller provided a memo to the Planning Board dated December 14, 2016 in support of this amendment.

WARRANT LANGUAGE:

ARTICLE 10 – SITE PLAN REVIEW

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C. Administration

1. The following procedure and requirements shall apply to all applications for site plan review:

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j. Expiration of approval.

~~Site plan approval shall expire and be void if the activity approved is not commenced within 12 months, and completed within two (2) years after the date of approval unless the reviewing authority, at the time of approval, establishes a different commencement and completion schedule but in no case will such period exceed five (5) years. Upon application for an extension of the approval received before approval expires, an extension of up to two (2) years may be granted by the reviewing authority.~~

Site Plan and Subdivision ~~plan-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.~~ Upon application for an extension of the approval, received before the initial terms for site plan or subdivision approval expires, a one-time extension of an approval may be granted by the same reviewing authority and add two (2) years to commence and/or complete the required construction activities for site improvements, and/or building 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, ~~approval expiration~~ this section, “commencement of construction” ~~activity shall be determined by the Code Enforcement Officer, and~~ shall be defined ~~as to include~~, but not be limited to, ~~construction work to include~~ any land/site or vegetation clearing, ~~site~~ disturbance, stockpiling or excavation of soil on the site property, or building expansion or alterations ~~to a structure, as shown on~~ in accordance with the approved plans. ~~The determination of whether construction has commenced shall be in the sole discretion of the Code Enforcement Officer.~~

➤ **ITEM 5 (ARTICLE 5 OF THE WARRANT)**

DESCRIPTION:

Town staff is recommending striking the Stormwater Quality and Phosphorus Control section under Article 9 - Section U, Lots ~~in order to avoid duplication and inconsistencies.~~ and updating eCross references ~~will be updated~~ to refer to the standards in Article 9-Section X. Stormwater Quality and Phosphorus Control ~~in order to avoid duplication and inconsistencies.~~

WARRANT LANGUAGE:

ARTICLE 9 – MINIMUM STANDARDS

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U. Lots

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~~5. Stormwater Quality and Phosphorus Control~~

~~The direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution as stormwater can contain sediment, nutrients, hydrocarbons and other harmful substances. Increased stormwater runoff can also damage roads, ditches, culverts and other drainage structures that are not designed to accommodate storm flows. These problems can worsen when an undeveloped woody site is cleared for development since stormwater that was previously intercepted by vegetation and absorbed into the ground is allowed to flow more freely across and ultimately off the site. The closer post-project stormwater flows are kept to pre-project conditions in terms of volume, rate, timing and pollutant load, the less likely that stormwater will damage the site, or public or private property, or cause harm to water bodies.~~

~~The introduction of excessive amounts of phosphorus from developed areas into lakes and ponds has been identified as a significant threat to water quality. The introduction of stormwater quality treatment Best Management Practices (BMPs) can minimize impacts to receiving wetlands and water bodies. The preferred stormwater treatment BMP for residential lots is naturally vegetated buffers whenever site conditions are suitable. Alternative stormwater treatment BMPs for residential lots should be used when site conditions on the lot prevent the effective use of buffers.~~

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

~~a. Applicability~~

- ~~1. Section U.5 shall apply to all lots, except lots approved under the provisions of the Raymond Subdivision Ordinance, that are created so that any portion of the lot is within 600' of a great pond, as measured from the normal high water mark, or 100' of a perennial stream, as identified on a USGS map.~~
- ~~2. All such lots subject to Article 10 Site Plan Review shall conform to the requirements of Article 10 Sections D.14 and E.1.e in addition to the provisions of this section.~~

~~b. Application Review~~

The applicant shall submit a site plan that demonstrates to the satisfaction of the Code Enforcement Officer that the project will comply with this standard. The Code Enforcement Officer shall review the Stormwater and Phosphorus Management Plan and approve a permit based on one of the following methods. If the Code Enforcement Officer determines, because of particular circumstances of the property, that a third party review of the stormwater and phosphorous management control plans would help achieve the purposes of this ordinance, the Code Enforcement Officer may require review and endorsement of such plans by the Cumberland County Soil & Water Conservation District, or some other third party qualified to conduct such review, the cost of which shall be borne by the Applicant.

~~1) Point System~~

~~a. Point Credits~~

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

- ~~i. 10 Points for correcting an existing erosion problem on the project site, as approved by the CEO.~~
- ~~ii. 10 Points for a building footprint less than 1,500 square feet~~
- ~~iii. 10 Points for a clearing limitation of less than 20% of the lot, or 15,000 square feet, whichever is less; or 20 Points for a clearing limitation of less than 15% of the lot, or 10,000 square feet, whichever is less~~
- ~~iv. 15 Points for the installation of rock lined drip edges or other infiltration system to serve no less than 50% of the new impervious area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details provided in Appendix A; or
25 Points for the installation of rock lined drip edges or other infiltration system to serve no less than 75% of the new impervious area on the site. Test pit information certified by a Licensed Site Evaluator, or a Professional Engineer must show that three feet of separation exists between the Seasonal High Groundwater Table and the bottom of any proposed infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details provided in Appendix A.~~

- v. — 20 Points for the installation of rain gardens to serve no less than 50% of the new impervious area on the site. Rain gardens shall be sized to accommodate one inch of runoff from contributing impervious areas within the six – inch ponding area, and designed in accordance with the detail provided in Appendix A; or
 30 Points for the installation of rain gardens to serve no less than 75% of the new impervious area on the site. Rain gardens shall be sized to accommodate one inch of runoff from contributing impervious areas within the six – inch ponding area, and designed in accordance with the detail provided in Appendix A.
- vi. — 30 Points for a 50 foot wide (no greater than 15% slope) wooded buffer strip, or a 75 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or
 35 Points for a 75 foot wide (no greater than 15% slope) wooded buffer strip, or a 100 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer; or
 40 Points for a 100 foot wide (no greater than 15% slope) wooded buffer strip, or a 150 foot wide vegetated buffer (no greater than 15% slope) strip located down gradient and adjacent to the developed area, provided there is no channelization within the buffer.

b. Point Deductions

The CEO will deduct points based on the following point schedule:

- i. — 10 Points deducted for a new structure footprint exceeding 2000 square feet, and an additional 5 points deducted for each additional 500 square feet of structure footprint.
- ii. — 10 Points deducted for over 20,000 square feet of disturbance, and an additional 5 points deducted for each additional 5,000 square feet of disturbance.

2) Alternate Means of Calculation

In those cases where the Code Enforcement Officer determines that use of the points system is inadequate to achieve the purposes of stormwater and phosphorous management control or is otherwise inappropriate because of particular circumstances of the property, the Code Enforcement Officer may assess conformance with this standard based on the following:

- a) — Phosphorus export calculations based on “Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (latest edition),

~~issued by Maine DEP. Any such design must be certified by a Licensed Professional Engineer.~~

- ~~b) A Stormwater Management Plan designed in accordance with Section 4B of the State of Maine Chapter 500 Stormwater Regulations, General Standards (June 6, 2006, and as amended). Any such design must be certified by a Licensed Professional Engineer.~~

➤ **ITEM 6 (ARTICLE 6 OF THE WARRANT)**

DESCRIPTION:

Town staff is recommending changes to the Site Plan submission requirements. The first change is to require the number of submitted full sized plans as well as requiring 11 x 17 copies. The second change ensures that Site Plan Review of back lots and back lot driveways follows minimum stormwater runoff standards specified in Article 9.

WARRANT LANGUAGE:

ARTICLE 10 – SITE PLAN REVIEW

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D. Submission Requirements

1. When the owner of the property or the owner’s authorized agent makes formal application for Site Plan Review, the application shall contain at least the following exhibits and information except to the extent any of these submission requirements are modified by the provisions of Section C.2.b pertaining to Staff Site Plan Review and Section C.3.b pertaining to Minor Site Plan Review above: *[Amended 06/02/09]*

a. A fully executed and signed application for Site Plan Review;

b. A narrative description explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant’s project. *[Adopted 06/02/09]*

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

c. Fifteen (15) copies of a Site Plan, to include eight (8) full sized scaled copies, including seven (7) half size/scaled copies or reduced plans to fit on an 11’ x 17’ sheet, and an electronic file in both PDF and GIS formats, drawn at a scale of not more than fifty (50) feet to the inch for that portion of the total tract of land subject to site plan review, and showing the following:

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14. A stormwater management plan, prepared by a registered professional engineer, shall be designed so that the post-development stormwater runoff does not exceed the pre-development stormwater runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The stormwater plan shall be prepared in accordance with “*Stormwater Management for Maine: Volume III BMP’s Technical Design Manual*”, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The stormwater plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the stormwater plan

and calculations by the Cumberland County Soil and Water Conservation District or some other third party qualified to conduct such review, the cost of which shall be borne by the Applicant. *[Amended 12/2/08]*

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

a. Phosphorus export calculations based on the “MAINE STORMWATER MANAGEMENT DESIGN MANUAL, Phosphorus Control Manual Volume II” (as published MARCH 2016 and as amended) ~~“Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (latest edition), issued by Maine DEP. or,~~

b. Any project which requires a Stormwater Permit from the State of Maine DEP shall submit A Stormwater Management Plan designed in accordance with Section 4 of the State of Maine Chapter 500 Stormwater Regulations, Stormwater Standards (June 6, 2006, and as amended). *[Adopted 12/02/08]*

For ~~Staff~~ Site Plan Review applications reviewed by staff ~~Minor Developments and Minor Modifications Amendments, subject to, and when deemed necessary by Review Authority, CEO review only,~~ the Stormwater Management Plan must demonstrate conformance with the Stormwater Quality and Phosphorus Control provisions (point system) described in Article 9, Section ~~4.5~~ X of this ordinance.

All Site Plan Review of back lots and back lot driveways shall ~~follow~~ ensure compliance with the minimum standards for stormwater runoff design and quality control ~~following those listed in accordance with~~ Article 9 – Minimum Standards, Section T Back Lots and Back Lot Driveways, 11, d, v and vi.