

**TOWN OF RAYMOND
Tuesday, August 7, 2007**

**SPECIAL TOWN MEETING
MINUTES**

TO: Jack Cooper, a resident of the Town of Raymond, in the County of Cumberland and State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Raymond, qualified by law to vote in Town affairs, to meet at the Raymond Broadcast Studio, 423 Webbs Mills Road, in said Town of Raymond on Tuesday, August 7, 2007, at 7:00 PM, then and there to act on the following articles:

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

NOMINATION: There was a nomination and second for John Robinson for moderator.

MOTION: There was a motion for nominations to cease.

VOTE: Carried.

VOTE ON NOMINATION: Carried.

NOTE: John Robinson was sworn in as moderator.

ARTICLE 2: Shall the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through May 21, 2006, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below.

NOTE: Copy of the ordinance is attached.

MOTION: There was a motion and second to approve Article 2.

VOTE: Carried.

NOTE: Some minor inconsistencies in the warrant were noted and it was indicated that the final ordinance document would stabilize those inconsistencies.

MOTION: There was a motion and second to adjourn.

VOTE: Carried.

ADJOURNMENT: John Robinson declared the meeting adjourned at approximately 7:13 pm.



Louise H. Lester
Town Clerk

Town of Raymond Land Use Ordinance
As adopted May 21, 1994 amended May 20, 2006

ARTICLE 1: Shall the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through May 20, 2006, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?

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

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

ARTICLE 1 (ARTICLE I) - PREAMBLE

A). Authority

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

B). Title

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

C). Purpose

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

D). Jurisdiction

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

ARTICLE 2 (ARTICLE II) - ESTABLISHMENT OF DISTRICTS

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

Established Districts

1. Village Residential District (VR)
2. Manufactured Housing Overlay District (MHOD) [replaced 5-21-05]
3. Rural District (R)
4. Rural Residential District (RR)
5. Shorelands - This district is hereby divided into the following sub-districts.
 - a. Resource Protection District (RP)

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- b. Limited Residential - Recreation District I (LRR1)
- c. Limited Residential - Recreation District II (LRR2)
- 6. General Commercial (C)
- 7. Industrial (I)

B). Land Use Regulation Map

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

1. If action of the Town Meeting amends the ordinance necessitating changes in district boundaries or other matter portrayed on the Land Use Regulation Map, such change shall promptly be entered on the Land Use Regulation Map and certified on the map as follows: "On (date), by action of the Town Meeting, the following (change) changes were made in the Land Use Regulation Map: (brief description of nature of change)," which entry shall be signed by the Planning Board and attested by the Town Clerk. Amendments to this Ordinance involving matters portrayed on the Land Use Regulation Map shall become effective after such change and entry has been made on said map.
2. Regardless of the existence of purported copies of the Land Use Regulation Map which may from time to time be made or published, the Land Use Regulation Map which shall be located in the office of the Town Clerk shall be the final authority as to the current Land Use Regulation status of land and water areas, buildings, and other structures in the Town.
3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use Regulation Map, the following rules shall apply:
 - a. Boundaries indicated as approximately following the center lines of street, highways, or alleys shall be construed to follow such centerlines;
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
 - c. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
 - d. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Regulation Map, or in other circumstances not covered by subsections a. through c. above, the Board of Appeals shall interpret the district boundaries;
 - e. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Appeals shall permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot;
 - f. Shoreland district boundaries that do not follow street lines, platted lot lines or shore lines shall be construed as following a line measuring six hundred (600) feet back from the mean high water mark of the waterfront to which they pertain.
4. In the event that the Land Use Regulation Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Meeting may by resolution adopt a new Land Use Regulation Map, which shall supersede the prior Land Use

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egulation Map. The new Land Use Regulation Map may correct drafting or other errors or omissions in the prior Land Use Regulation Map. The new Land Use Regulation Map shall be identified by the signature of the Planning Board attested by the Town Clerk, under the following words: "This is to certify that this Land Use Regulation Map adopted _____ supersedes and replaces the Land Use Regulation Map adopted (date of adoption of map being replaced) as part of the Land Use Ordinance of the Town of Raymond, Maine." The superseded Land Use Regulation Map shall be preserved together with all available records pertaining to its adoption or amendment.

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ARTICLE 3 (ARTICLE III) - CONFORMANCE WITH ORDINANCE

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

A. Non-Conforming Uses

1. Continuance of Non-Conforming Uses.

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

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

2. Discontinuation of Non-Conforming Uses.

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

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a. Change of a Non-Conforming Use

Whenever a non-conforming use is superseded by a permitted use of a structure, or structures and land in combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use or similar uses subject to the provisions of this Ordinance and the non-conforming use may not thereafter be resumed. A non-conforming use may be changed to be more compatible with uses permitted in its vicinity than the existing use.

b. Transfer of Ownership

Ownership of land and structures, which remain lawful but become non-conforming by the adoption or amendment of this Ordinance, may be transferred and the new owner may continue the non-conforming use or similar uses subject to the provisions of this Ordinance.

3. Non-Conforming Lots of Record

- a. A single family dwelling may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other space and bulk standards of this Ordinance shall be met.
- b. If two (2) or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this Ordinance and if all or part of the lots do not meet the dimensional and area requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional and area requirements of this Ordinance; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance. Two (2) contiguous lots in single ownership which each have an existing residential structure or structures on them at the time of the adoption of this Amendment being September 26, 1987, and which do not meet the dimensional and area requirements of this Ordinance are exempt from this section and may be divided, providing each lot is a minimum of 20,000 square feet in size.

Two (2) or more contiguous lots in single ownership included within a subdivision approved by the Raymond Planning Board prior to July 17, 1974, and recorded in the Cumberland County Registry of Deeds which are required to be combined under this Ordinance may be divided provided that the division creates only two (2) resulting lots, and that the two (2) resulting lots are of equal size and that each of the resulting lots is at least 20,000 square feet in area and has at least one hundred feet of frontage. No structure that requires a variance from the setback requirements of this Ordinance shall be erected on the resulting lots and a statement setting forth this restriction shall be recorded in the Cumberland County Registry of Deeds at the time of the division. At least one of the two (2) resulting lots must be transferred into separate ownership or used for construction of a single-family residence prior to September 26, 1992, or the two (2) resulting lots shall be combined into a single lot. [Adopted 5/20/89]

Notwithstanding any other provisions of this Article, any vacant lot of record as of December 30, 1986, containing at least sixty thousand (60,000) square feet and having two hundred twenty five (225) feet of frontage or shown on a subdivision plan approved by the Raymond Planning Board on or after July 17, 1974, and recorded in the Cumberland County Registry of Deeds may be built upon as a separate lot and need not be combined with other contiguous lots in the same ownership. [Adopted 0/26/87]

4. Restoration of Unsafe Property

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

5. Pending Application for Building Permits

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

ARTICLE 4 (ARTICLE IV) - DISTRICT REGULATIONS

A. Village Residential District (VR) *[amended 5-21-05]*

1. Intent. To provide housing in a compact residential area. The areas encompassed in this district are to be of an urban nature with neighborhood shopping services and facilities to be provided within the district. The district is established to combine the convenience of urban life with the physical amenities of rural environment. Toward the achievement of these purposes, the following minimum standards are established:
2. Permitted Uses
 - a. One-family dwelling to include modular homes (Type 2 manufactured homes) *[amended 5-21-05]*
 - b. Duplex *[added 5-21-05]*
 - c. Multi-family dwelling
 - d. Schools
 - e. Churches
 - f. Public buildings and facilities
 - g. Agriculture excepting commercial poultry and piggery operations
 - h. Accessory uses and buildings
 - i. Professional building
 - j. Nursing homes
 - k. Boarding homes
 - l. Bed and breakfast inn not to exceed five (5) rentable rooms
 - m. Elderly Housing *[added 5-21-05]*
3. Conditional Uses
 - a. General store and neighborhood grocery store not to exceed one thousand (1,000) square feet of retail space including storage
 - b. Public utilities and communications facilities
 - c. Antique shops
 - d. Home occupations that conform to the requirements of Article IX, B. A home occupation which conforms to Article IX, B. and which is specifically permitted by Article XII of this Ordinance shall be considered a permitted use.
4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements ~~subject to modifications under Article VIII, B.:~~
 - a. The minimum lot area shall be forty thousand (40,000) square feet. *[amended 5-21-05]*

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- b. Minimum Lot Area per Dwelling Unit [replaced 5-21-05]
- 1) One-family dwelling or modular home – Forty thousand (40,000) square feet per unit
 - 2) Duplex – Twenty thousand (20,000) square feet per unit.
 - 3) Multi-Family Dwelling - Forty thousand (40,000) square feet for the first two units on the lot plus an additional fifteen thousand (15,000) square feet per each additional dwelling unit on the lot.

c. The minimum lot frontage shall be one hundred (100) feet. [amended 5-21-05]

d. The minimum building setbacks shall be as follows:

- 1) Front - 25 feet
- 2) Side - 10 feet [amended 5-21-05]
- 3) Rear - 20 feet-

The minimum front setback in those village areas where buildings have traditionally been sited closer to the road may be reduced to the average setback of existing principal buildings located within 500 feet and which front on the same road.

e. The maximum building height shall be two and one half (2.5) stories except for barns.

5. Off-street Parking - For each of the principal and conditional uses permitted, off-street parking shall be provided in accordance with Article IX, C.
6. Signs - Signs shall be permitted in accordance with the provisions of Article IX, L.
7. Wireless communication facilities subject to the standards contained herein.
8. Multi-Family Dwellings - Multi-family dwellings shall also meet the standards of Article VIII. C. & D 9, W. [added 5-21-05]

B. Mobile Home Park Overlay District (MHOD) [added 5-21-05]

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

C. Rural District (R)

1. Intent: The Town of Raymond has historically been a rural Town. It is the intent of this Ordinance to protect and preserve appropriate areas of Town from urban sprawl by designating uses and standards that are appropriate to a rural character.
2. Permitted Uses

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- a. One-family dwelling to include modular homes (Type 2 manufactured homes) *[amended 5-21-05]*
 - b. Church
 - c. Public buildings and facilities
 - d. Agriculture including commercial poultry and piggery operations that conform to Article IX of this Ordinance.
 - e. Accessory uses and buildings
 - f. Home occupations that conform to the requirements of Article IX, B. A home occupation which conforms to Article IX, B. and which is specifically permitted by Article XII of this Ordinance shall be considered a permitted use.
 - g. Bed and breakfast inn not to exceed five (5) rental rooms and not to serve alcohol.
 - h. Boarding homes not to exceed five (5) rentable rooms excluding family living space.
 - i. Public utility and communication facilities.
 - j. Mobile/Manufactured home fourteen (14) feet wide with a pitched roof, manufactured in 1976 or later, with frost wall, grade beam or concrete slab, which shall be designed, if a single unit, to accept T or L additions and shall be so sited so that the longest structural dimension is not more than thirty degrees (30) from parallel with the street or road upon which the lot fronts or, on a corner lot, the more heavily traveled street or road upon which the lot fronts.
[Adopted 5/16/87]
3. Conditional Uses
- a. Cemeteries
 - b. Mineral extraction that conforms to Article IX, E. of this Ordinance.
 - c. Public and quasi-public recreation buildings and facilities
 - d. Neighborhood grocery store not to exceed one thousand (1,000) square feet of retail space including storage.
 - e. Contractors, not having more than five (5) vehicles and pieces of equipment that are not screened from view from the surrounding property and street. When a piece of equipment is located on a trailer or truck, the combination shall be considered a vehicle and an additional piece of equipment. *[Adopted 5/21/88]*
4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements subject to modification under Article VIII, B.: *[Adopted 5/16/87]*
- a. The minimum lot area shall be three (3) acres;
 - b. The minimum lot frontage shall be two hundred twenty five (225) feet;
 - c. The minimum building setbacks shall be as follows:
 - 1) Front - 40 feet
 - 2) Side - 20 feet
 - 3) Rear - 20 feet
 - d. The maximum building height shall be two and one-half (2.5) stories except for barns and poultry houses.
5. Off-Street Parking - For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article IX.C.
6. Signs - Signs shall be permitted in accordance with the provisions of Article IX, L.
7. Wireless Communication Facilities - subject to the standards contained herein.

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D. Rural Residential District (RR)

1. Intent: The Town of Raymond recognizes that certain areas of Town will experience residential growth due to rapid population growth in the region. It is the intent of this Ordinance to allow these uses while maintaining the basic rural orientation of the community.
2. Permitted Uses
 - a. One-family dwelling to include modular homes (Type 2 manufactured homes) *[amended 5-21-05]*
 - b. Church.
 - c. Schools.
 - d. Public buildings and facilities.
 - e. Agriculture excluding commercial poultry and piggery operations.
 - f. Accessory uses and buildings.
 - g. Home occupations that conform to the requirements of Article IX, B. A home occupation which conforms to Article IX, B. and which is specifically permitted by Article XII of this Ordinance shall be considered a permitted use.
 - h. Bed and breakfast inn not to exceed five (5) rentable rooms and not to serve alcohol.
 - i. Boarding home not to exceed five (5) rentable rooms excluding family living space.
 - j. Public utility and communication facilities.
 - k. Mobile/Manufactured home fourteen (14) feet wide with a pitched roof, manufactured in 1976 or later, with frost wall, grade beam or concrete slab, which shall be designed, if a single unit, to accept T or L additions and shall be so sited so that the longest structure dimension is not more than thirty (30) degrees from parallel with the street or road upon which the lot fronts or, on a corner lot, the more heavily traveled street or road upon which the lot fronts. *[Adopted 5/16/87]*
3. Conditional Uses
 - a. Nursing home.
 - b. Neighborhood Grocery Store not to exceed one thousand (1,000) square feet of retail space including storage.
 - c. Cemeteries.
 - d. Funeral parlors.
 - e. Medical arts buildings.
 - f. Mineral extraction that conforms to Article IX, E. of this Ordinance.
 - g. Public and quasi-public recreation buildings and facilities.
 - h. Contractors, not having more than five (5) vehicles and pieces of equipment that are not screened from view from the surrounding property and street. When a piece of equipment is located on a trailer or truck, the combination shall be considered a vehicle and an additional piece of equipment. *[Adopted 5/21/88]*
4. Space and Bulk Regulations - The following space and bulk regulations are minimum requirements subject to modification under Article VIII, B.:
 - a. The minimum lot area shall be two (2) acres.
 - b. The minimum lot frontage shall be two hundred twenty five (225) feet;
 - c. The minimum building setbacks shall be as follows:
 - 1) Front - 30 feet
 - 2) Side - 20 feet
 - 3) Rear - 20 feet
5. The maximum building height shall be two and one-half (2.5) stories except for barns.

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

E. Shoreland District

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

F. Commercial District (C)

1. Intent: To provide general retail, wholesale, service, and business facilities in an area convenient to the residents of the Town. This district should fulfill the needs of the townspeople for many of their retail and service needs. In addition, it shall serve as the wholesale distribution center for the Town. Toward the achievement of these purposes, the following minimum standards are established:
2. Permitted Uses:
 - a. Retail businesses and service establishments, including warehousing and wholesale distribution related thereto;
 - b. Recreational facilities such as racquetball or tennis centers but excluding amusement parks as defined herein;
 - c. Auto repair facilities excluding auto body repair;
 - d. Business and professional offices;
 - e. Restaurants and drive in stands;
 - f. Hotels, motels, and inns;
 - g. Mixed-use single-family residential/commercial buildings.
3. Conditional Uses: Outdoor sales and service.
4. Space and Bulk Regulations - The following space and bulk regulations are established as minimum standards for commercial buildings:
 - a. The minimum lot area shall be 20,000 square feet;
 - b. There shall be no minimum street frontage;
 - c. Minimum front yard sixty (60) feet and the first twenty (20) feet from the road shall be developed as a landscaped buffer strip. If the lot is a corner lot, the street most heavily traveled shall be considered the street upon which the lot fronts. The side street setback shall be thirty (30) feet. *[Adopted 3/18/00.]*
 - d. Where a lot in this district abuts a residential district, the commercial use shall provide and maintain a twenty-five (25) foot landscaped buffer strip and visual screening from the abutting residential district boundary. Existing commercial uses shall meet this requirement by June 1, 1990. New commercial uses shall meet this requirement within nine (9) months for the first commercial use of the lot; *[Adopted 5/21/88]*
 - e. Minimum side yard 0;
 - f. Minimum rear yard 0;
 - g. The maximum building height shall be two and one-half (2.5) stories.
5. Mixed Use Single-Family Residential/Commercial Buildings - Mixed-use single-family residential commercial buildings shall meet the space and bulk standards of the Village Residential District except that the sixty (60) foot front setback shall be met.

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

G. Industrial District (I)

Purpose: To provide for the creation of appropriate districts within the Town of Raymond for industrial facilities, in accordance with the following requirements:

1. Permitted Uses:

- a. Any industrial structure or use, as defined in this Ordinance, which meets all of the following criteria:
 - 1) Primary aspects of the industrial process are carried on within the structure;
 - 2) The noise level of the industrial process does not exceed 50 decibels at any property line; and
 - 3) There are no land, water or air waste discharges or emissions other than sanitary facilities, which met the requirements of the State's wastewater disposal rules.
- b. Warehousing and outdoor storage;
- c. Distribution and transportation;
- d. Research laboratories;
- e. Retail facilities and services accessory to principal uses.

2. Conditional Uses:

- a. Automobile graveyards, automobile recycling businesses and junkyards conforming with Title 30-A, Sections 3751 – 3760 and all state or local regulations;
- b. Public utility facilities.

3. Location - An industrial district may be created for any land within the Town, except within the Shoreland District, upon application to the Planning Board by an applicant for a specific industrial use thereof upon a showing by the applicant to the satisfaction of the Planning Board under the procedures set forth in this Article IV, F. G., that the proposed industrial use and its location satisfy the requirement set forth below. Following a review of the application, the Planning Board shall recommend to the Town Meeting whether or not the proposed industrial district and use should be approved.

- a. The proposed use will not result in undue water, noise, or air pollution.
- b. The proposed location consists of soil types, which are suitable to the construction, and industrial use proposed and will not be subjected to unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- c. The proposed location and use will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
- d. The proposed use will be compatible with the existing uses of any improved land abutting the proposed location and with any identifiable predominant character of surrounding improved lands;
- e. The proposed location and use meets all of the requirements and procedures for site plan review set forth in Article X of this Ordinance.

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4. Procedure for Creation - The creation of any industrial district shall be in accordance with the following procedure:
- a. Application for creation of an industrial district shall be made to the Planning Board. The Planning Board shall hold a public hearing thereon and ~~advertise the nature and location of the proposal and the date, time, and place of the hearing not less than fifteen (15) days prior to the date of the hearing in two (2) regular newspaper editions of general circulation throughout the Town~~ post a notice of the proposed creation of the industrial district in the municipal office at least 13 days before the public hearing. The notice must be published at least 2 times in a newspaper that complies with MRSA Title 1, section 601 and that has a general circulation in the Town. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

For each parcel within the municipality that is in or abutting the portion of the Town affected by the proposed amendment, a notice shall be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. The notice must contain a copy of a map indicating the portion of the Town affected by the proposed amendment. The Board of Selectmen shall prepare and file with the Town Clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

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

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

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ARTICLE 5 (ARTICLE V) - ADMINISTRATION

- A. Officials - The provisions of this Ordinance shall be administered and enforced by the Code Enforcement Officer and the Building Inspector, who shall both be appointed by the Board of Selectmen and be given free access at reasonable hours to all parts of structures and land regulated by this Ordinance.
- B. Building Permit Required - It shall be unlawful to start any work for the purpose of construction, alteration, or removal of any building unless a building permit has been issued in conformity with this Ordinance. The provisions of this Ordinance shall apply to new construction, alterations, additions, relocation, replacement of any building or part thereof, and to any work designed to convert a seasonal dwelling to a permanent, year-round dwelling as provided in Article VIII, E. The Town adopts and incorporates by reference the 1996 B.O.C.A. Building Code with the following changes, additions and deletions, as its building code. Note: all changes, additions and deletions are attached to the original Town Meeting Warrant and made available for review and inspection at the Town Clerks Office. *[Adopted May 21, 1998]*
- C. Application for Building Permit - Any application for a building permit shall be submitted to the Building Inspector on forms specified by the Building Inspector, together with a fee as established, and revised from time to time, by the Board of Selectmen; the application shall then be filed with the Board of Assessors. The building permit fee shall be twice the amount established by the Board of Selectmen for any new outside construction or addition, or for any alterations or renovations having a completed value of not less than \$2,000.00, if such work is begun without a permit. The application shall require such information as the Building Inspector may require in order to determine whether the proposed use is in full compliance with the provisions of this Ordinance, including, without limitation, the number and location of buildings already on the lot, building setback requirements, and the suitability of soils and bedrock structure. No building permit shall be issued for construction of a dwelling within any subdivision unless the subdivision road, power, drainage improvements and any other site improvements required by the Planning Board approval have been completed or their completion is covered by a currently effective performance bond. No building permit shall be issued for any proposed development including, in the Shorelands District, any alteration or penetration of the surface of the ground, until the applicant demonstrates to the Building Inspector that all other applicable federal, state, and local permits have been issued.
- D. Permits Issued by Building Inspector - The Building Inspector shall approve or deny those applications on which the Building Inspector is empowered to act as stated in this Ordinance. Approval shall be granted only if the proposed use be in conformance with the provisions of this Ordinance.
1. No building permit shall be issued until the Road Commissioner or the Maine Department of Transportation has issued a driveway permit. *[Adopted 5/20/89]*
- ~~E. Permits Issued by Planning Board - The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. After submission of a completed application concerning work or land within the Shoreland District, containing all information requested, the Planning Board shall grant a permit only if it makes a positive finding based on the information presented to it that, except as specifically exempted in Article IV, D., the proposed use:~~
- ~~1. Will not result in unsafe or unhealthful conditions;~~
 - ~~2. Will not result in erosion or sedimentation;~~
 - ~~3. Will not result in water pollution;~~
 - ~~4. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;~~
 - ~~5. Will conserve shoreland vegetation;~~
 - ~~6. Will conserve visual points of access to waters as viewed from public facilities;~~
 - ~~7. Will conserve actual points of public access to waters;~~
 - ~~8. Will conserve natural beauty as viewed from public facilities and waters whose shorelands are~~

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- covered by this Ordinance;
- ~~9. Will avoid problems associated with flood plain development and use;~~
- ~~10. Is in conformance with the provisions of Article IV, D, e;~~
- ~~11. Will not reduce the value of immediately adjacent lands.~~

E. Residential Growth Management

1. Purpose – The purpose of this section is to establish a Residential Growth Management Program in order to provide for orderly and reasonable growth in the town, to direct the majority of residential growth to the designated growth areas of town, to slow the rate of growth in the rural areas, and to maximize the efficient use of town services, infrastructure and facilities.
2. Legal authority - This section is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and 30-A M.R.S.A. §3001 et seq., and as provided for in 30-A M.R.S.A. §4323 and §4360.
3. Definitions – The following definitions apply to this section.
 - a) Annual average permits issued – The average number of building permits issued in the Town of Raymond per year for new dwelling units, the winterization of seasonal dwelling units, or the conversion of any commercial use to one or more dwelling unit(s) over the previous ten year period. The previous ten year period shall run from December 1st of the tenth year previous to the current year, to November 30th of the current year¹.
 - b) Growth Area – Those areas of town contained within the Village Residential District (VR), the Commercial District (C) and the Industrial District (I) as depicted on the Town of Raymond Zoning Map.
 - c) Rural Area – Those areas of town contained within the Rural Residential District (RR), the Rural District (R), the Limited Residential - Recreation District I (LRR₁), the Limited Residential - Recreation District II (LRR₂) and the Resource Protection Districts (RP) as depicted on the Town of Raymond Zoning Map.
 - d) Person related to the applicant - A spouse, parent, grandparent, sibling, child, or grandchild related to the applicant for a building permit by blood, marriage or adoption.
 - e) Lot of record – A lot shown on a deed or subdivision plan recorded in the Cumberland County Registry of Deeds.
4. Applicability - This section applies to building permits in the Rural Area for the construction of new dwelling units, the winterization of seasonal dwelling units, or the conversion of any commercial use to one or more dwelling unit(s). This section does not apply in the Growth Area.
5. Exemptions - The following are exempt from the provisions of this section.
 - a) The repair, replacement, reconstruction or alteration of any existing building or structure, so long as no additional dwelling units are created thereby and no seasonal dwelling units are winterized.
 - b) The construction or alteration of a nonresidential building or structure, so long as no additional dwelling units are created thereby.

¹ As an example, the annual average calculated on or before December 31st 2006, would be calculated from the building permits issued from December 1, 1996 to November 30, 2006.

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- c) A single-family dwelling to be built on a lot created by a conveyance to the applicant from a person related to the applicant unless the intent of the conveyance was to avoid the objectives of this section.
- d) A single-family dwelling to be built upon a lot of record if:
 - 1) the applicant has owned the lot of record continuously for at least 10 years prior to the application for the building permit; and
 - 2) the applicant is currently a Raymond resident and has been a Raymond resident for at least 10 years prior to the application for the building permit.

This exemption does not apply to any lot that is split off or subdivided from a larger lot that meets the requirements of this exemption unless, and until, the lot which has been split off or subdivided separately meets the requirements of the exemption.

- e) Affordable Housing, as defined in Article XII of the Land Use Ordinance.
 - f) Elderly Housing, as defined in Article XII of the Land Use Ordinance.
 - g) Apartments in a Residential zone that do not contain more than 700 square feet of living space, excluding stairways.
 - h) Open Space Subdivision Lot. Within any calendar year the first building permit application submitted for a lot in an open space subdivision, approved pursuant to Article XIII of this ordinance, is exempt.
6. Determination of annual average permit issued - The Building Inspector shall track the number of building permits issued for new dwelling units, the winterization of seasonal dwelling units, or the conversion of any commercial use to one or more dwelling unit(s) in the Town of Raymond and shall use that data to determine, no later than December 31st of each year, the annual average permits issued. The Building Inspector shall submit the annual building permit report to the Planning Board on or before January 1, 2007 and each January 1 thereafter.
7. Limit on building permits – Building permits subject to this section shall be limited on an annual basis, as follows:
- a) For January 1, 2007 to December 31, 2007, building permits subject to this section shall not exceed 100% of the annual average permits issued. No person or entity, may apply for more than 5 of those building permits in that time period.
 - b) For January 1, 2008 to December 31, 2008 building permits subject to this section shall not exceed 85%, of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
 - c) For January 1, 2009 to December 31, 2009, building permits subject to this section shall not exceed 70% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
 - d) For January 1, 2010 to December 31, 2010, building permits subject to this section shall not exceed 55% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
 - e) For January 1, 2011 to December 31, 2011, building permits subject to this section shall not exceed 40% of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.
 - f) For January 1, 2012 and beyond building permits subject to this section shall not exceed 30%

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of the annual average permits issued. No person or entity may apply for more than 5 of those building permits in that time period.

8. Order for processing applications - Applications for building permits subject to this section shall be processed in the order that the Building Inspector receives complete applications. In the event two or more applications are received simultaneously, the Building Inspector shall determine their order by random selection. Any building permit application filed in any given year that is not issued as a result of this ordinance may be carried over to the following year and shall be considered in the date order in which it was received.
 9. Transferability - Building permits subject to this section are site-specific, and shall be valid for construction only on the lot specified in the application. However, those building permits shall be transferable to new owners of the lot, if the property is sold or otherwise legally transferred.
 10. No carry over - If the allowed number of building permits subject to this section are not issued within the calendar year, they shall not be carried over to the next year.
 11. Periodic review -The Planning Board shall review the building permit report submitted by the Building Inspector under Paragraph 6 of this ordinance at least every three years to determine if the ordinance continues to be needed to control the pace, timing, and location of development in accordance with the purposes of this section and to determine if it needs to be adjusted to meet current conditions. The Board shall hold a public hearing pursuant to Article VIII of the Planning Board Bylaws and Article VII of the Land Use Ordinance and submit a report of their findings to the Board of Selectmen on or before March 1 of each year it conducts a review. If conditions warrant, the Board may review the ordinance more frequently.
 12. Conflict with other provisions - This section shall not repeal, annul or in way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law.
 13. Appeals - Any person or entity aggrieved by an action or decision of the Building Inspector to approve or deny a building permit based on the provisions of this section may appeal the action or decision to the Board of Appeals in accordance with the process outlined in Article VI, section C of the Land Use Ordinance.
- F. Certificate of Occupancy Required - In each instance (1) in which different use of a building, structure or land is proposed, or (2) following erection, alteration, repair, enlargement or relocation of a building or structure, a Certificate of Occupancy shall be required prior to occupancy and use. Neither the owner, nor the person to whom a building permit has been issued, shall permit any building, structure, or land for which a Certificate of Occupancy is hereby required to be used or occupied until the Building Inspector has issued a Certificate of Occupancy therefor. A Certificate of Occupancy shall not be issued until the Building Inspector determines that the building, structure, or land use has been completed in accordance with this Ordinance and any conditions imposed under this Ordinance. The Building Inspector may issue a temporary use permit, valid for periods not exceeding six (6) months, during erection, alteration, repair, or enlargement of a building or structure.
- G. One Principal Building on a Lot – Except for Open Space Subdivisions as provided in Article XIII, there shall be no more than one principal building and its accessory buildings erected on any one site. Garages are considered accessory buildings.
- H. Nuisances –
1. Any violation of this Ordinance shall be deemed to be a nuisance;
 2. Any unlicensed automobile graveyard, automobile recycling business or junkyard is specifically deemed a nuisance. If an existing automobile graveyard, automobile recycling business or junkyard can meet licensing requirements and is in the Industrial Zone, it may continue. If an existing automobile graveyard, automobile recycling business or junkyard is unlicensed and is not in the Industrial Zone, it must be abated within one year of the passage of these amendments.

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3. In addition, any lot or part thereof meeting the definition of Automobile Storage Lot, but exceeding the maximum number of vehicles specified in the definition, or meeting the definition of Storage Lot, but exceeding the maximum area specified in the definition, is specifically deemed a nuisance. The lot or part thereof must be brought into conformance within six months of the passage of these amendments. [Amended 3/17/01]
4. No owner or occupant of land in any district shall permit fire ruins or other ruins to be left, but within one year from the date of the disaster shall remove, repair, rebuild, or replace the structure. Nothing in this section shall prohibit the Town from considering the ruins to be a dangerous building or a nuisance, as provided by law.
- I. **Code Enforcement Officer** - If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, the Code Enforcement Officer shall notify, in writing, the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions.
- J. **Legal Action** - When the above action does not result in the correction or abatement of the violation or nuisance condition, the Board of Selectmen is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.
- K. **Fines** - Any person who continues to violate any provisions of this Ordinance, after receiving notice of such violation, shall be guilty of a misdemeanor subject to a fine of up to \$100.00 for each violation. Each day such a violation is continued is a separate offense.
- L. **Flood Plain Area Development** - With respect to application for building permits for any development within Zone A and Zones A1-A30 as shown upon the Flood Insurance Rate Map, the Building Inspector shall:
 - 1) Obtain data identifying the elevations of the land, of the lowest floor of any structure, including the basement, and of the top of any floodproofing, in relation to the elevation of the 100-year flood upon said land;
 - 2) Utilize the 100-year flood data provided by the Federal Emergency Management Administration, where available, and otherwise obtain, review and reasonably utilize any other elevation data for the 100-year flood available from federal, state, or other sources; and
 - 3) Maintain, as a separate, permanent record, copies of all permits issued for development in Zone A and Zones A1-A30 as shown on the Flood Insurance Rate Map, all data relevant thereto and all decisions of the Board of Appeals upon variances granted in connection with such permits.
- M. **Lot Surveys** - Newly created lots, and changes in lot lines, shall be undertaken by a licensed surveyor and a copy of the survey plan shall be furnished to the Code Enforcement Officer.

ARTICLE 6 (ARTICLE VI) - BOARD OF APPEALS

- A. **Appointment and Composition.** The Board of Appeals shall consist of five (5) members and one (1) alternate member, all of whom shall be residents of the Town of Raymond. The present members of the Board of Appeals shall continue to hold their office until their present term of office expires. Thereafter, the Board of Selectmen shall appoint members for a three (3) year term and in the event of a vacancy, shall fill the term for the unexpired portion thereof. The alternate member shall be appointed for a term of three (3) years and shall act on said Board in place of any member who may be unable to act due to interest, absence or physical incapacity. The Board shall annually elect from their m

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embership a Chairman to preside at all meetings of the Board. A secretary shall provide for the keeping of the minutes of the proceedings of the Board of Appeals. All minutes of the Board shall be public record. In addition, the following statutes shall apply:

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

B. Powers and Duties

1. In addition to the power granted by 30 M.R.S.A., Section 4963(2), the Board of Appeals shall have the following authority:
 - a. Subject to the provisions of this Ordinance, to hear and decide appeals from orders, decisions, determinations or interpretations made by the Code Enforcement Officer or the Building Inspector;
 - b. Subject to the provisions of this Ordinance, to hear and grant or deny applications for variances from the terms of the Land Use Ordinance. A variance may be granted for lot areas, lot coverage by structure, and setbacks. A variance shall not be granted to permit a use or structure otherwise prohibited, except for non-conforming uses, structures and lots as described in Subsection d. below. A variance can only be granted where undue hardship is proven. Undue hardship is defined to mean:
 - 1) That the land in question cannot yield a reasonable return unless the variance is granted;
 - 2) That the need for a variance is because of unique circumstances of the property (such as location of existing structures, topographical features, etc.) and not to the general conditions of the neighborhood;
 - 3) That the granting of a variance will not change the essential character of the locality;
 - 4) That the hardship is not the result of action taken by the applicant or a prior owner;
 - 5) Permitted variances run with the land and thus pass from one owner of a property to the next.
 - c. To grant a set-back variance for a single family dwelling only when strict application of the Zoning Ordinance to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection means:
 - 1) The need for the variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - 2) The granting of the variance will not alter the essential character of the locality;
 - 3) The hardship is not the result of action taken by the applicant or a prior owner;
 - 4) The granting of the variance will not substantially reduce or impair the use of abutting property;
 - 5) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

A variance under this subsection may be permitted only from the setback requirements for a single family dwelling that is the primary year round residence of the applicant. A variance under

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this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the combined area of the dwelling and any other structures to exceed the maximum permissible lot coverage. *[Adopted 5/15/93]*

- d. To hear and grant or deny applications for conditional use permits as specified within this Ordinance. In granting permits under this section, the Board of Appeals may impose such conditions, as it deems necessary in furtherance of the intent and purpose of this Ordinance. Conditional use permits run with the land and thus pass from one owner of a property to the next;
 - e. To vary the provisions of non-conforming lots, non-conforming structures and non-conforming uses of structures and non-conforming uses of land, but only in accordance with the provisions specified in Article III of this Ordinance.
 - f. To allow a five (5) percent increase in lot coverage in all non-commercial districts, subject to the undue hardship criteria of subsection c above.
2. In hearing appeals under this section, the Board of Appeals shall require that attention be given to the following, wherever applicable:
- a. Location, character and natural features;
 - b. Fencing and screening;
 - c. Landscaping, topography and natural drainage;
 - d. Vehicular access, circulation and parking;
 - e. Pedestrian circulation;
 - f. Signs and lighting;
 - g. All factors which affect health, welfare and safety;
 - h. Such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.

C. Appeals Procedure

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

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issued of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand-delivered to the applicant, his representative or agent.

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

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

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

Application materials submitted to the Board must include a completed application form, including a location and site plan if appropriate, and a fee specified in the Town of Raymond Fee Schedule, which must be submitted to the Code Enforcement Officer at the time the appeal request is submitted. If the Appeals Board or the Code Enforcement Officer requests professional review and advice, the applicant shall establish an escrow account in the amount established in the Town Fee Schedule, before the advice is requested. The applicant shall pay any amount outstanding within forty-five (45) days of the billing date by the Town. [Amended 5/19/90] All application materials must be submitted for the Board's review at least thirty (30) days prior to the Board meeting at which the applicant wishes to be heard. All meetings of the Board of Appeals are public hearings.

At the public hearing, the applicant or the applicant's representative must appear before the board to present the proposal and to answer questions. Other interested parties, such as adjacent property owners, will also be permitted to speak for or against the appeal.

Written notice of the decision of the Board shall be sent to the appellant within sixteen (16) days of the date of the decision. Any aggrieved party may appeal from the decision of the Board to the Superior Court within thirty (30) days of the decision date.

5. After a decision has been made by the Board of Appeals, a new appeal of similar import shall not be entertained by the Board until one (1) year shall have elapsed from the date of said decision, except that the Board may entertain a new appeal if the Board believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or it finds that a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal.
6. The right of any variance from the terms of this Ordinance granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six (6) months or substantially completed within one (1) year of the date of the vote by the Board. For the purposes of this subsection, substantial completion means the outside of the structure must be complete. [Amended 5/18/91]

- D. The Board of Appeals may grant reductions from the minimum setback requirements set forth in Article IV of this Ordinance according to all of the following criteria:
 - a) Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from lot boundary lines. Setback reduction appeals shall not be used, and are not available from bodies of water as provided in this Ordinance.
 - b) Setback reduction appeals may only be granted and are only available for:
 - i) Lots in existence as of 12/31/86: and
 - ii) Lots with a residential dwelling as the principal structure.
 - c) The Board of Appeals may grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
 - d) In granting a setback reduction the Board of Appeals may attach reasonable conditions, which it

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may deem necessary to serve the purposes of this Ordinance.

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

VR Zone		
Front yard	--	12 1/2 feet
Side yard	--	10 feet *
Rear yard	--	10 feet *

R Zone		
Front yard	--	20 feet
Side yard	--	10 feet
Rear yard	--	10 feet

RR Zone		
Front yard	--	15 feet
Side yard	--	10 feet
Rear yard	--	10 feet

(*) See ordinance.

[Adopted 3/18/00] [amended 5-21-05]

E. Setbacks for ADA-Required Ramps

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

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ARTICLE 7 (ARTICLE VII) - AMENDMENTS

A. Authority

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

B. Shoreland Zoning Amendments

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

C. Procedure

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

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

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

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. If the Planning Board recommends that such amendment(s) not be enacted, the Town Meeting may adopt the same only by a favorable two-thirds (2/3) vote.~~

D. Conditional Rezoning

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

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

1. The change is consistent with the Comprehensive Plan.
2. The change establishes rezoned areas, which are consistent with the existing and permitted uses within the original district.
3. All conditions and restrictions imposed relate only to the physical development or operation of the property and may include, by way of example:
 - a. Limitations on the number and types of uses permitted;
 - b. Restrictions on the scale and density of development;
 - c. Specifications for the design and layout of the buildings and other improvements;
 - d. Schedules for the commencement and completion of improvements;
 - e. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
 - f. Preservation of open space and buffers, and protection of natural areas and historic sites;
 - g. Contributions toward the provisions of municipal services required by the development; and
 - h. Provisions for enforcement and remedies for breach of any condition or restriction, which may include, by way of example:
 - i. Provisions that violation of any conditions shall constitute a violation of the Ordinance.
 - ii. Statements that the conditions shall bind the owners, its successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the Town.
 - iii. Provisions requiring the owner at his expense to record in the Cumberland County Registry of Deeds a copy of the conditions and any required site plans within thirty (30) days following final approval of the petition by the Town and that the form of the recording be in a form satisfactory to the Town.
 - iv. Statement indicating that the conditions shall run with the land.
4. The owner of the property rezoned has agreed in writing to the conditions imposed.

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

ARTICLE 8 (ARTICLE VIII) – MODIFICATIONS

A. Net Residential Area Calculation

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

1. Total acreage that is used for street and sidewalk rights-of-way;

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

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

B. Net Residential Density Calculation

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

A. Height Limits

~~The height limits of this Ordinance shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, transmission towers, chimneys, conveyors, derricks, radio and television towers, and similar structures not intended for human occupancy.~~

B. Setbacks for ADA Required Ramps

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

C. Multi family Development

1. ~~Purpose: These provisions are intended to promote a unified development, which will be in harmony with surrounding uses. Multi-family subdivisions are considered to be the same as multi-family developments and must conform to the standards set forth in this section.~~
2. ~~Location: Multi-family cluster subdivisions shall be permitted only in the Village Residential District.~~
3. ~~Space and bulk requirements:~~
 - a. ~~A buffer strip of at least fifty (50) feet shall be required along the existing road frontage. Access to the subdivision shall be limited to the interior road system. A maximum of two entrances for the interior road system shall be permitted through the buffer strip;~~
 - b. ~~A buffer strip of at least two hundred fifty (250) feet shall be required for subdivisions bordering a lake, river, or in any other area with shoreline frontage;~~

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- e. ~~Distances between principal adjacent buildings shall be a minimum of the height of the tallest building. All other space and bulk requirements listed in Article IV, Section A.(4) shall be maintained.~~

~~D. Recreation and Open Space Requirements for Multi-family Developments~~

1. ~~Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to ten (10) percent of the total area for recreation. It is desirable that areas reserved for recreation is at least one (1) acre in size and easily accessible from all lots or units within the subdivision.~~
2. ~~Open space shall be either dedicated to public use through agreement of the Town of Raymond Selectmen or shall be reserved for the use of residents and guests of the subdivision. It shall not be used for commercial recreation or for private clubs whose membership is different from the Homeowner's Association.~~
3. ~~Open space areas, except for the required buffer strip of fifty (50) feet on existing roads, shall be contiguous, where possible.~~
4. ~~Common open spaces shall be shown on the subdivision plan and with appropriate notation that it shall not be further subdivided for any other use.~~
5. ~~When reviewing the site design of the proposed type of open space, the Planning Board shall consider the following criteria:~~
 - a. ~~Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of natural site features to be preserved;~~
 - b. ~~The usability of open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the site;~~
 - c. ~~Open space shall include irreplaceable natural features located on the tract (such as but not limited to, stream beds, significant stand of trees, individual trees of significant size, and rock outcroppings);~~
 - d. ~~Open space intended for recreation or public use shall be easily accessible to pedestrians;~~
 - e. ~~The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings or length of streets;~~
 - f. ~~Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land;~~
 - g. ~~Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen areas devoted to motor vehicle access;~~
 - h. ~~Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site.~~

~~E. Ownership and Maintenance~~

1. ~~Ownership: Common open space, which is not deeded to the Town of Raymond after approval by the Town, shall be owned in common by all owners of lots in a single family cluster subdivision or by all owners of units in multi-family development. Ownership percentages shall be apportioned among all owners and shall be recorded on their deeds. A listing of ownership percentages shall be filed with the Town Assessor before the first unit is sold. Each owner shall be assessed a percentage of the property tax levied on the common open space and shall be responsible for its payment.~~
2. ~~Maintenance: Maintenance of open space not deeded to the Town of Raymond shall be the~~

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~~responsibility of all owners of lots and/or units. A Homeowners' Association shall be organized; one of whose purposes shall be the maintenance of common open space. Membership shall be compulsory and assessments, sufficient to provide for adequate maintenance, shall be levied. All relevant legal papers shall be submitted to the Planning Board for review and approval before the subdivision is approved. Until fifty one (51) percent of all lots and/or units have been sold, and a Homeowners' Association organized, the developers shall be responsible for maintenance of the common open space. Owner(s) of multi-family rental developments are responsible for maintenance.~~

F. C. Waivers

~~Modifications to this Ordinance may be granted by the Planning Board where the Planning Board finds that undue hardship will result from strict compliance with these standards, except where such modifications are explicitly disallowed herein. [Adopted 5/16/87]~~

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

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

G. D. Seasonal Dwelling Conversions

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

1. No dwelling or structure shall be converted from seasonal to year round use that is located within two hundred fifty (250) feet of the high water mark of any lake, pond, river, stream, or body of water more than one acre in size, including abutting wetlands, until the owner shall prove that the subsurface disposal system is located at least one hundred (100) feet from the high water mark of that water body and was legally installed after July, 1974, or a performance bond equal to the estimated cost of the system shall be posted to insure that the new subsurface disposal system will be installed at least one hundred (100) feet from the high water mark, prior to completion or occupancy of the building. Any existing bedrooms or other rooms that could be used as bedrooms that may have been added or will be added must be calculated as bedrooms for septic system design. Any increase in the number of bedrooms or potential bedrooms above the original subsurface disposal system design shall mandate the installation of a new or expanded subsurface disposal system. [Adopted 5/20/89]
2. No expansion (including decks) for seasonal conversion shall be granted which reduces the required water setbacks of this Ordinance. Nor shall any seasonal conversion be granted if an

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expansion (including decks) has been done which reduces the required water setbacks after the effective date of this amendment. This section shall not be subject to variance. *[Adopted 5/20/89]*

ARTICLE 9 (ARTICLE IX) - MINIMUM STANDARDS

A. Conditional Uses

The Board of Appeals shall approve, deny, or approve with conditions all applications for a conditional use permit. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Board of Appeals shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

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

B. Home Occupation Standards

1. The Home Occupation shall be carried on wholly within the dwelling or accessory structure.
2. The Home Occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two (2) persons who are not family members residing in the dwelling unit, shall be employed.
3. There shall be no exterior display, no exterior sign except as expressly permitted by District regulations of this Ordinance, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours, shall not be permitted.

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5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off- street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operation hours.
6. The home occupation shall not utilize more than twenty (20) percent of the total floor area of the dwelling unit. The basement floor area shall be excluded in the calculation of the twenty (20) percent.

C. Off-Street Parking

In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following schedule of parking requirements. An area of two hundred (200) square feet, exclusive of maneuvering space, shall be considered as one off-street parking space. No required parking space shall, for the purpose of this Ordinance, serve more than one (1) use. No off-street parking facility shall have more than two (2) entrances and exits on the same street, and no entrance or exit or shall exceed thirty (30) feet in width. Non-residential parking areas with more than two (2) parking spaces shall be so arranged that vehicles can maneuver within such areas and exit onto the street in a forward motion. No parking lot shall be constructed closer than five (5) feet from any property line unless a common parking area is planned between lots.

Parking requirements shall be calculated utilizing one of the following formulas:

1. Two (2) spaces per dwelling unit.
2. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
3. One (1) space for each tent or recreational vehicle site in a campground.
4. One (1) space for each two (2) beds in a hospital or sanitarium.
5. One (1) space for each four (4) beds in other institutions devoted to the board, care, or treatment of persons.
6. One (1) space for each one hundred eighty (180) square feet or fraction thereof, of gross floor area of any retail, wholesale, or service establishment or office or professional building. Except that the ratio may be changed to one (1) space for each two hundred twenty-five (225) square feet or fraction thereof if an amount of land area equivalent to the difference between the one hundred eighty (180) square foot requirement and the two hundred twenty five (225) square foot requirement is developed in landscaped green area as defined herein.
7. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums, and other places of amusements or assembly.
8. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, or other permitted uses.
9. Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open-air retail business and amusements and other permitted uses not specifically enumerated.

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D. Off-Street Loading

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

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

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

5,000 sq. ft. to 40,000 sq. ft. -- one bay
40,000 sq. ft. to 100,000 sq. ft. -- two bays
100,000 sq. ft. to 160,000 sq. ft. -- three bays
160,000 sq. ft. to 240,000 sq. ft. -- four bays
240,000 sq. ft. to 320,000 sq. ft. -- five bays
320,000 sq. ft. to 400,000 sq. ft. -- six bays

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

2. Dimensions. Each loading bay shall have minimum dimensions of fifty (50) feet by fourteen (14) feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case of trucks, trailers, or other motor vehicles larger than the dimensions of the minimum-loading bay habitually serving the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.
3. Requirements for Additional Bays and Alterations or Modifications. Any additional loading bays which are provided in excess of the requirements of this Ordinance or any loading bay otherwise established shall meet the requirements of paragraph (2) of this Section, and no alterations or modifications shall be made in an existing building or structure whereby loading openings or platforms are constructed or established unless the provisions of said Section are met.

E. Mineral Extraction

1. Top soil, rock, sand, gravel, and similar earth materials may be removed from locations where permitted under the terms of this Ordinance only after a Conditional Use Permit for such operations has been issued by the Board of Appeals in accordance with the provisions of this Ordinance, and provided that plans for the following provisions shall be specifically illustrated in the application for the Conditional Use.
 - a. Specific plans are established to avoid hazards from excessive slopes or standing water. Where an embankment must be left upon the completion of operations, it shall be at a slope not steeper than one (1) foot vertical to two (2) feet horizontal.
 - b. The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.
 - c. No excavation shall be extended below the grade of adjacent streets unless one hundred (100) feet from the street line or unless provision has been made for reconstruction of the street at a different level.
 - d. Sufficient topsoil or loam shall be retained to cover all areas with a three (3) inch layer so that they may be seeded and a vegetative cover may be restored. The applicant shall provide such seeding and restoration.

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- e. There is at least seventy-five (75) feet between the edge of the digging or quarrying activities and the property lines.
 - f. Dust or other air pollutants are kept to a minimum by appropriate landscaping, paving, oiling, or fencing.
 - g. Appropriate fencing or landscaping is provided to screen the site of digging operations from any public right-of-way and from any dwelling within two hundred fifty (250) feet of the property lines of the excavation site.
2. A surety bond shall be posted with the Town Clerk by the applicant in an amount found by the Board of Selectmen to be sufficient to guarantee conformity with the provisions of the grant of approval.
 3. The plan review by the Planning Board and the Board of Appeals shall take into consideration the following items. The Appeals Board may impose such conditions as necessary to safeguard the health, safety, and welfare of the community.
 - a. Fencing, landscaped buffer strips, public safety.
 - b. Advertising signs, lighting.
 - c. Parking space, loading and unloading areas.
 - d. Entrances and exits.
 - e. Time period for operation.
 - f. Hours of operation.
 - g. Methods of operation.
 - h. Weight and loading limit of trucks.
 - i. Sand and gravel spillage upon public streets.
 - j. Rehabilitation proposals.

F. Waste Material Accumulation

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

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

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

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

H. Subsurface Sewage Disposal Systems

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

1. The design, construction, and operations of all subsurface sewage disposal systems shall be in compliance with the State of Maine Subsurface Disposal Rules, and with the regulations of the Maine Department of Human Services, and shall be subject to periodic inspection by the
P

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lumbing Inspector;

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

I. Trailer parks and Campgrounds

In any district where campgrounds or trailer parks are permitted under the terms of this Ordinance, the following regulations and minimum standards shall apply:

1. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term shelter devices;
2. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the Maine Department of Human Services;
3. Trailers shall be parked on sites containing a minimum of forty two hundred (4,200) square feet and having a minimum width of seventy (70) feet;
4. Tent sites shall contain a minimum of four hundred (400) square feet. There shall be a minimum of thirty (30) feet between tent sites;
4. Trailers shall be parked in spaces that:
 - a. There will be a minimum of fifteen (15) feet between vehicles;
 - b. There will be a minimum of fifteen (15) feet between all trailers and the exterior boundary of the park.
 - c. There will be a minimum of twenty-five (25) feet between all trailers and all public rights-of-way located both inside and outside the boundaries of the trailer park or campground.
5. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

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J. Individual Mobile Homes and Travel Trailers

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

K. Mobile Homes and Mobile Home Parks

1. Standards for Mobile Homes not in Mobile Home Parks.

- a. All bulk and space standards of the appropriate district shall be met.
- b. The wheels and undercarriage shall be removed and the mobile home shall be placed on a foundation.
- c. The foundation shall, as a minimum standard, consist of either:
 - 1) A continuous, perimeter concrete wall extending at least four (4) feet below finished grade. The wall shall be a minimum of eight (8) inches thick, reinforced, cast in place concrete. Steel reinforcement shall be provided for temperature and shrinkage stresses and suitable support shall be provided at the top of the formation to counteract internal foundation forces.

OR

- 2) A six (6) inch thick reinforced concrete slab, the horizontal dimensions of which are the same or larger than the trailer. The concrete slab shall be placed on not less than a twelve (12) inch layer of well-graded compacted gravel on a stripped subgrade. Suitable masonry piers shall be placed from the concrete slab to the trailer girders and hold-down wires or chain anchored into the slab will be provided. A suitable attached skirt extending from the concrete slab to the trailer shall be provided.
- d. In the absence of a full basement, suitable screening shall be provided to screen the oil tank.

2. Mobile Home Parks

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

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

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

- b. Access - No mobile home park shall be developed unless adequate access for mobile homes and attached vehicles, emergency vehicles, fuel delivery, refuse collection and other vehicles is provided.
- c. Placement of Units on Lots - All manufactured housing units shall be placed upon mobile home park lots. The bounds of each lot shall be clearly marked with permanent corner pins for

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each lot, and the lot shall be well surfaced or seeded to provide adequate drainage beneath and adjacent to any manufactured housing units parked thereon. Each space shall provide for:

- 1) continuing and potable supply of safe and sanitary water;
- 2) connection to an adequate sewage disposal system;
- 3) adequate electric power service; and
- 4) compliance with local, State and Federal laws pertaining to manufactured housing.

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

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

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

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

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

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

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

- 1) the combined area of the mobile home park lots which shall each meet the minimum lot requirements;
- 2) the area required for road rights-of-way;
- 3) the area required for buffer strips;
- 4) for parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots; and
- 5) the area within the shoreland setback.

- f. Setbacks - Manufactured housing units shall meet the following minimum setbacks:

- 1) On lots that abut a public way: the setback required for other residential uses.

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- 2) On lots that are located in a shoreland area: the setback from the high-water mark required in that district.
 - 3) Garages or accessory structures shall be so located on individual lots so that all parts of the structures are a minimum of 15 feet from all lot lines and 30 feet from any unit or other structure on either the same lot or adjacent lot.
- g. Buffering - If a park is proposed within a residential district at a density which is at least twice the density of existing adjacent development or at least twice the density permitted in the zoning district the park shall be designed with a fifty (50) foot wide buffer strip along all property boundaries. The buffer strip shall be maintained as a landscaped area containing no structures. Roads and utilities may cross the buffer strip to provide access to the park.
- h. Road Standards
- 1) The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
 - 2) Roads that the applicant proposes to dedicate as public ways shall be designed and constructed in accordance with the street standards contained in Article IX, Section 3, of the Subdivision Regulations of the Town of Raymond.
 - 3) Roads which the applicant proposes to remain private ways shall:
 - a) be designed by a professional engineer, registered in the State of Maine, and built according to accepted engineering standards;
 - b) have a minimum right-of-way of 23 feet;
 - c) have a paved travel surface with a minimum width of 20 feet; and
 - d) meet the standards of the Manufactured Housing Board.
 - 4) No lot within the park shall have direct vehicular access onto an existing public street. On-street parking shall be prohibited.
 - 5) Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least 2 street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
 - 6) The intersection of any street within a park and an existing public street shall meet the following standards:
 - a) Minimum Angle of Intersection shall be 75%;
 - b) Maximum Grade within 100 feet of intersection shall be three (3) percent;
 - c) Minimum Sight Distance shall be ten (10) times the posted speed limit, measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three (3) feet above the pavement and the height of object four (4) feet;
 - d) Distance from other intersections shall be no less than one 125 feet from the centerline of any other street intersecting that public street.
 - 7) The application shall contain an estimate of the average daily traffic projected to be generated by the park, based on the Trip Generation Manual, 1987 edition or the most recent edition, published by the Institute of Transportation Engineers. If the park is

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projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, prepared by a registered professional engineer with experience in transportation engineering.

- i. Safety Standards - The safety standards contained in Rule 02-385 Department of Professional and Financial Regulation, Manufactured Housing Board, Rules Pursuant to Establishing a Criteria as a Guide to Allow Park Operators to Institute a Safety Standard in Order to Resell a Mobile Home in a Manufactured Home Community, shall apply to ALL manufactured units to be located in a mobile home park.
- j. Manufactured Housing Storage - No unoccupied manufactured housing unit or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park.
- k. Motor Vehicle Parking Space - Not less than 300 square feet of parking space shall be provided in every mobile home park for each individual manufactured housing space in addition to manufactured housing space requirements and all such spaces shall have a well-drained, stabilized or paved surface maintained in good repair.
- l. Playground Area - Not less than 150 square feet of play space for each individual manufactured housing space shall be provided and restricted in every mobile home park exclusively to playground and/or recreational use, and such spaces shall be protected from streets and parking areas and shall have a well-drained, stabilized or paved surface maintained in good repair. Adequate playground or recreational equipment shall be provided in this area.
- m. Utility Services - Every manufactured housing unit shall be provided with adequate hygiene and sanitation facilities. Water supply, water service, plumbing, sewage disposal and treatment, electric power service, bottled gas service, heating equipment and fuels, refuse and garbage storage and disposal, and insect and rodent control shall be provided in full conformity with all pertinent state and local health regulations.
- n. Park Administration - The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all structures and their sites. Park management shall conform to State laws.
- o. Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.
- p. Ownership of Park - The land within the mobile home park shall remain in a single, unified ownership. No lots or interest in lots shall be individually conveyed without the prior approval of the Planning Board, and any such lot sold or conveyed shall meet the lot size requirement for a site-built, single family dwelling in the respective zone in which it is located.
- q. Site Built Homes Prohibited - No dwelling unit other than a manufactured housing unit shall be located within the mobile home park.

L. Signs

The following provisions shall govern the use of signs in the districts.

1. Resource Protection, Limited Residential-Recreation, and other Residential Districts.
 - a. Signs and billboards related to goods and services sold on the premises shall be permitted, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. Billboards and signs relating to goods and services not rendered on the P

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remises shall be prohibited. There shall not be any commercial or residential name signs over 2 feet by 3 feet in size.

- b. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
 - c. 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.
 - d. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
 - e. No sign shall extend higher than twenty (20) feet above the ground.
 - f. Signs may be illuminated only by shielded, non- flashing lights.
 - g. No sign shall be so placed as to create a traffic visibility hazard. *[Adopted 5/15/93]*
 - h. Political signs shall not be within 150 feet of an intersection and shall not remain more than 7 days after the election. *[Adopted 5/15/93]*
 - i. Approved commercial uses in the residential zones fronting on Route 302, signs will be allowed to the maximum size allowed in the commercial zone. *[Adopted 3/16/96]*
2. Commercial Districts - In all commercial districts the following types of signs shall be permitted provided that the illumination, if any, shall be a non-flashing light:
- a. Attached, detached, or projecting signs, single or double-faced identifying uses of goods sold or services rendered on the premises aggregating one (1) square foot of area for every foot of street frontage to a maximum of two hundred eighty eight (288) square feet for each premise, subject to the limitations of subsections d and g below. Detached signs may extend to a maximum ~~distance~~ height of twenty (20) feet above the level of the ground upon which they are erected. Attached signs and/or supporting structures may extend a maximum of ten (10) feet above the level of a flat roof or the level of the eaves on other types of roofs. *[Amended 3/16/96]*
 - b. Such signs shall be located only in the front yard or along the front property line in cases where the commercial lot abuts a lot in a residential district. Any sign within ten (10) feet of the property line shall have the bottom of the sign not less than six (6) feet above the adjacent traveled surface. No sign shall be so placed as to create a traffic visibility hazard. *[Amended 5/15/93]*
 - c. No sign shall be more than four (4) feet above the peak of the roof and no sign shall protrude out from the building more than twelve (12) inches.
 - d. No sign shall be more than 12 feet by 12 feet and not to exceed 288 square feet in size including the two sides of a freestanding sign. ~~It shall not be more than 20 feet from the ground.~~
 - e. Any existing sign that does not meet the requirements of this Ordinance shall be discontinued within 5 years of the date of this amendment. *[Adopted 5/18/91]*
 - f. Grandfathering would cease if the sign were discontinued for any reason for two (2) years.
 - g. Signs attached to buildings shall not exceed 4 feet by 8 feet.

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- h. Political signs shall not be within 150 feet of an intersection and shall not remain more than 7 days after the election. *[Adopted 5/15/93]*
3. Industrial Districts - In all industrial districts, the following types of signs shall be permitted provided that the illumination, if any, shall be a non-flashing light:
 - a. Attached, detached, or projecting signs identifying uses or articles produced or services rendered on the premises. In cases where the industrial lot abuts a lot in a residential district, the sign shall be constructed in a manner such that it will be oriented in a direction other than toward the residential district;
 - b. Signs will be allowed to the maximum size allowed in the commercial zone but will be at the discretion of the Planning Board to meet the standards of the area located;
 - c. Political signs shall not be within 150 feet of an intersection and shall not remain more than 7 days after the election. *[Adopted 5/15/93]*

M. Soils

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

N. Timber Harvesting

All timber harvesting shall be governed by the following regulations. Timber harvesting in Shoreland Districts shall also be in accordance with the regulations of Article IV, D.

1. No accumulation of slash shall be left within fifty (50) feet of a road or street. At distances greater than fifty (50) feet from the road or street to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than six (6) feet above the ground.
2. Skid trails; log yards, and other sites where the operation of logging machinery results in the exposure of mineral soil shall be left in condition suitable for natural reforestation and in a condition that will not promote soil erosion.
3. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.
4. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained.
5. Harvesting activities shall not create single openings greater than fifteen thousand (15,000) square feet in the forest canopy.
6. In any stand, harvesting shall remove not more than seventy (70) percent of the volume of trees in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of

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trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

7. Timber harvesting operations not in conformance with (2), (4), (5), and (6) above shall be allowed by the Appeals Board upon approval of a permit granted in accordance with the provisions of Article V, Section E upon a clear showing by the applicant that such an exception is necessary for proper timber management.
8. Clearing of vegetation for development. In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or fifteen thousand (15,000) square feet, whichever is greater, including land previously developed. *[Adopted 3/21/98]*

O. Water Quality Protection

No activity shall store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature, such that it will run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

P. Agricultural Uses

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

Q. Lot Coverage

In all districts except the Commercial District, lot coverage by structure(s) shall not exceed fifteen (15) percent of the lot, ~~provided that an additional five (5) percent may be granted by the Board of Appeals as a variance.~~ There shall be no lot coverage requirement in the Commercial District. *[Adopted 5/16/87]*

R. Driveway Construction

A new driveway in any zone shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street. This standard shall not be subject to a waiver by the Planning Board or a variance by the Board of Appeals. *[Adopted 12/19/91] [Amended 5/15/93] [Amended March 20, 1999]*

S. Wireless Communication Facilities – Available under separate cover.

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

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

1. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Code Enforcement Officer may approve a back lot driveway right-of-way with a minimum width of 40 feet if he/she determines that no alternative exists. The right of way must be conveyed by deed recorded in the Cumberland County Registry of Deeds to the owner of the back lot.
2. A legal description of the back lot right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
3. A back lot right-of-way shall be created only over a front lot that is conforming to public road frontage and lot size at the time of creation of the right of way. That portion of the front lot within the right of way shall be considered part of the front lot for purposes of space and bulk regulations. Existing buildings on the front lot need only be set back from the right-of-way by a distance equivalent to the minimum side setback in the applicable zoning district. For front lots that are vacant on the effective date of this ordinance, access to future buildings on the front lot shall be from the right of way.
4. If the front lot is already developed, the existing driveway shall be relocated to the back lot right of way unless the Board determines that it is prohibited by site conditions or the orientation of existing buildings.
5. A back lot driveway shall serve no more than two back lots unless it is improved to meet the standards for private streets in Section 5.5 of the Raymond Street Ordinance. No more than one back lot shall be created during any 5-year period. Prior to the creation of a second back lot, the applicant shall submit for review and approval a proposed revision of the back lot driveway plan previously approved by the Board and a driveway maintenance plan as described in Section 4.8.A.4.vii of the Raymond Street Ordinance.
6. No more than one back lot right-of-way may be created out of a single front lot unless each subsequent right-of-way is created out of at least an additional amount of frontage as required in the applicable zoning district. The entrances of such rights of way onto the public road shall be separated by a distance equivalent to at least the required frontage in the zoning district plus half the right of way width.
7. A back lot driveway shall conform to the driveway standards of the Raymond Street Ordinance.
8. Each dwelling constructed on a back lot shall be set back at least 200 feet from public roads.
9. A back lot driveway must conform to the minimum sight distance of the Raymond Street Ordinance.
10. The back lot must comply with all space and bulk regulations in the applicable zoning district as well as the lot standards of Section IX.U of the Land Use Ordinance. For the purposes of this section, the portion of the right of way within the back lot may not be used to satisfy the minimum lot area requirement and frontage for the back lot shall be on the back lot right of way.

U. Lots [Adopted 5/18/02]

With the exception of lots approved after the effective date of this ordinance by the Planning Board under the provisions of the Raymond Subdivision Regulations, any person proposing to create a lot within the Town of Raymond shall, prior to the creation of such lot by any means, including, but not limited to, conveyance, lease, building, development, gift, bequest or otherwise, demonstrate to the satisfaction of the Code Enforcement Officer that the following standards will be complied with. The Code Enforcement Officer shall maintain a file of each such lot, which shall contain documentation as

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to the manner in which the standards shall be met. Prior to the issuance of a building permit for a principal structure, documentation shall be placed in the property file maintained at the Town Office indicating that any improvements or restrictions required under this subsection will be complied with.

1. Lot Dimensions and Measurements

- a. A lot must be dimensioned to contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage in the applicable zoning district. In addition, the minimum width of each lot at the required front setback must equal or exceed the minimum road frontage in the applicable zoning district. The requirements in this paragraph do not apply to lots approved pursuant to the provisions of Article VIII Section B XIII for single-family cluster subdivisions.
- b. Depth of a lot shall be considered to be a line perpendicular to the lot frontage and extending from the foremost points of the side lot lines in the front to the rear most points of the side lot lines in the rear.
- c. Width of a lot shall be considered to be the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- d. Setback measurements shall be measured from the property line, road right of way line, or the normal high water mark to the nearest part of a building on the lot.

2. Minimum Developable Area per Lot

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

3. Limited Access to Lots Abutting Town Roads

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

- ~~a. The lot shall be limited to one driveway onto a public way. If an adjacent lot on the public way is vacant, the driveway shall intersect the public way at the common lot boundary. This provision is designed to allow two adjacent lots to create separate driveways but share a single point of access onto the town way. The Code Enforcement Officer may approve separate points of access for adjacent lots if he determines that, due to the presence of wetlands, ledge, inadequate sight distance or similar conditions, a single point of access would not be possible.~~
- ~~b. Notwithstanding the minimum front setbacks of Article IV and Section IX.V.B.3, above, the~~
~~m~~

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~~Minimum front setback in those village areas where buildings have traditionally been sited closer to the road may be reduced to the average setback of existing principal buildings located within 500 feet and which front on the same road.~~

4. Stormwater

Lots subject to Article X, Site Plan Review, shall conform to the requirements of Article X Sections D.14 and E.1.e. For all other lots that are within 600 feet of a great pond or 600 feet of perennial stream as identified on a USGS Map, 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 direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution because stormwater can contain sediment, nutrients, hydrocarbons and other harmful substances. Stormwater can also damage roads, ditches, culverts and other drainage structures that are not designed or sized 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 off of 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 applicant shall submit a Stormwater Management Plan prepared in conformance with the following requirements:

- a. The lot shall be developed to accommodate a vegetated buffer. The purpose of the buffer is to intercept and then spread out and soften the flow of water. Stormwater from the developed portion of the site shall be directed by sheet flow to the buffer. This buffer need be located only on the down slope side(s) of the lot and is to be continuous with no openings parallel to the slope. If, due to lot orientation, a driveway or other opening must be located within the buffer, it shall be sited so that drainage from the developed portion of the site, including the driveway, can still be directed by sheet flow into the buffer. The buffer requirement may be met as follows (see Appendix A for illustrations of buffers):
 - i) If the buffer is presently wooded, it shall be at least 25 feet in width. Removal of trees and other vegetation within the buffer cannot result in any cleared openings or disturbance of the existing forest floor except for removal of dead trees and safety hazards.
 - ii) A minimum 25-foot wide non-wooded buffer may also be used if it is allowed to revert to woods or is planted with shrubs or similar landscaping that minimizes disturbance of ground vegetation and leaf litter.
 - iii) If a non-wooded buffer is to be maintained as a field, it shall be at least 50 feet in width and mowing limited to no more than twice per year.
 - iv) Berms, detention basins or other alternatives as approved by the Code Enforcement Officer may be used instead of vegetated buffers if they are designed to intercept and then spread out and soften the flow of stormwater without channelizing it. The Code Enforcement Officer is authorized to request the review and endorsement of any such alternatives by the Cumberland County Soil and Water Conservation District, the cost of which shall be borne by the Applicant.
- b. Existing swales or drainage courses that carry water through the site are to remain undisturbed to the maximum extent possible. Culverts, stream crossings and other alterations may be permitted if the flow of water is unimpeded as it leaves the property in a manner similar to pre-project conditions.
- c. All disturbed portions of the site, including buildings, lawns and driveways, are to be graded

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to direct sheet flow of drainage into the buffer areas and not into roadside ditches. Any drainage that must be directed to roadside ditches shall be minimized.

- d. Following completion of lot development, the Code Enforcement Officer or his designee shall inspect the lot to verify that the requirements of the Stormwater Standard have been met. Should the Code Enforcement Officer determine that the lot is not in compliance with the Stormwater Standard, he shall initiate action to bring the lot into compliance in accordance with the provisions of Article V of this ordinance.
- e. The Code Enforcement Officer may approve modifications to the Stormwater Standard if the applicant can demonstrate that the intent of Stormwater Standard will be complied with. In making this determination, the Code Enforcement Officer is authorized to request the review and endorsement of the Cumberland County Soil and Water Conservation District. The cost of such assistance shall be borne by the applicant.

5. Septic Systems

With the exception of lots approved after the effective date of this ordinance by the Planning Board under the provisions of the Raymond Subdivision Regulations and for which a hydro geologic assessment in conformance with Section VIII-14 of the Subdivision Regulations has been submitted, septic system tanks and disposal fields shall be at least one hundred (100) feet from all on- and off-site well and fifty (50) feet from property lines. This distance shall be increased as a function of the average slope of that portion of the lot between the septic system tanks or disposal fields, down slope on- and off-site wells and down slope property lines as follows:

Average Slope of Portion of Lot Between Septic System Tank or Disposal Field and On- and Off-Site Downslope Wells	Minimum Distance Between Septic System Tank or Disposal Field and On- and Off-Site Downslope Wells	Minimum Distance Between Septic System Tank or Disposal Field and Downslope Property Line
0-5%	100 feet	50 feet
5-10%	125 feet	65 feet
10-15%	150 feet	75 feet
over 15%	200 feet	100 feet

A minimum of two 48-inch deep test pits shall be dug at either end of the proposed disposal field. The results of a soils analysis for each test pit shall be submitted to the Local Plumbing Inspector. Disposal fields in Soils Profiles 7, 8 or 9 or Bedrock Classes A1 or A2 as described in Table 700.1, Soil Profile-Soil Condition-Design Class, of the Maine Subsurface Wastewater Disposal Rules (1996), shall be at least 200 feet from on- and off-site wells.

The Local Plumbing Inspector may approve adjustments consistent with the State Plumbing Code to any of these well, septic system and property line setbacks if, based upon documentation provided by a Licensed Site Evaluator or professional with comparable expertise, adjacent properties would not be adversely affected.

6. Phosphorus Control

The introduction of excessive amounts of phosphorus into lakes and ponds has been identified as a significant threat to water quality. With the exception of lots approved after the effective date of this ordinance by the Planning Board under the provisions of the Raymond Subdivision Regulations and which are in conformance with Section VIII-15 of the Subdivision Regulations, the following provisions are applicable to all lots that are within 600 feet of a great pond or 600 feet of perennial stream as identified on a USGS Map.

- a. Expansions of existing single family structures and duplexes; new accessory structures associated with single family structures and duplexes; extensions of less than 150' of existing driveways:

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1. Demonstrate to the satisfaction of the CEO that, by utilizing permanent vegetated buffers, limiting the clearing of vegetation and the size of the development area and directing runoff away from the affected water body, the potential for phosphorus export has been minimized.
- b. New or replacement single family structures and duplexes:
1. Multiply the area of the lot by the per-acre phosphorus allocation in "Phosphorus Allocations for Raymond Lake watersheds" to determine maximum permissible phosphorus export.
 2. Use the Cumberland County Soil Survey in the CEO office to determine the predominant soil type on the portion of the lot to be cleared.
 3. Use the Hydrologic Soils Chart to determine the hydrologic group (A, B, C or D) of the soil identified in #2.
 4. Use Table A to calculate phosphorus export from the developed lot.
 5. Use Table B to calculate phosphorus export from that portion of a new or extended driveway that exceeds 150' in length.
 6. Add the calculated phosphorus export from the developed lot (#4) and from that portion of a new driveway or extended driveway that exceeds 150' (#5) to determine total phosphorus export.
 7. Multiply #6 by 0.5 to determine actual phosphorus availability to aquatic plants.
 8. If #1 is greater than or equal to #7, no treatment is required.
 9. If #7 is greater than #1, treatment is required to reduce phosphorus export from the lot. See "Phosphorus Control in Lake Watersheds" for treatment alternatives.
- Note: Septic systems within 250' of a perennial stream and in sandy gravelly or shallow-to-bedrock soils must include a loam liner.
- c. New multi-family and non-residential structures and uses; expansions to existing multi-family and non-residential structures and uses; new or extended driveways, roads or parking areas serving multi-family and non-residential structures and uses:
1. Complete calculations as described in "Phosphorus Control in Lake Watersheds".
- d. For all developments that require a building permit, the applicant shall demonstrate to the satisfaction of the Local Plumbing Inspector that the existing septic system is functioning properly.
- e. If, due to existing site conditions, such as slope, soils or setback from the water body, it is not possible to reduce phosphorus export to no more than the maximum permissible phosphorus export, the CEO may approve the project if he/she determines that the proposed treatment alternatives will reduce phosphorus export to the greatest practical extent. In making this determination, the CEO is authorized to request the review and endorsement of the Cumberland County Soil and Water Conservation District. The cost of such assistance shall be borne by the applicant.

**A. Phosphorus Export from Residential Lots
(pounds)**

Hydrologic Soils Group of Cleared Areas	Area Cleared/Lot					
	<10,000 s.f.		10,000-15,000 s.f.		>15,000 s.f.	
A	.27	(.27)	.30	(.30)	.35	(.35)
B	.32	(.40)	.39	(.46)	.49	(.54)

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C	.34	(.48)	.44	(.56)	.58	(.67)
D	.36	(.54)	.47	(.62)	.62	(.74)

() indicates values that are used if the site has had more than 40% of it's timber harvested within the past 5 years.

B. Phosphorus Export from New Driveway or Extension of Existing Driveway

(note: first 150 feet of new driveway or extension of existing driveway are not included)

1. Add total width of driveway and ditches and multiply by 0.08
2. Multiply the number of ditches by 0.04
3. #1 + #2 = pounds of phosphorus per 100 feet of driveway
4. ((Total length of new driveway or extension - 150 feet) / 100) x #3 = pounds of phosphorus export from driveway

7. Erosion Control

Lots subject to Article X, Site Plan Review, shall conform to the requirements of Article X Sections D.1.27 and F.16. For all other lots that are within 600 feet of a great pond or 600 feet of perennial stream as identified on a USGS Map, 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.

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

- Diffusing stormwater where possible rather than concentrating it in ditches and culverts
- Where water cannot be diffused, directing it to culverts and stabilized ditches of adequate capacity and diverting it around disturbed areas
- Minimizing the area of exposed soil at any time
- Minimizing the creation of steep "cut" or "fill" slopes during construction but where unavoidable, stabilizing slopes as soon as possible after disturbance
- Preserving natural vegetative buffers between construction areas and water bodies
- Maintaining maximum setbacks between construction and water bodies
- Mulching bare soil immediately after disturbance
- Reseeding as soon as possible

The applicant shall submit an Erosion and Sedimentation Control Plan prepared in conformance with the following requirements (Note: the applicant may substitute a plan in conformance with the requirements for Site Plan Review).

a. The Erosion and Sedimentation Control Plan shall include graphic and written plans as follows (Refer to Appendix E for definitions of technical terms):

1. The graphic plan shall be at least 8.5" x 11" in size and prepared to scale. It shall conform to the development standards in Section 7.b. and shall include the following (see Appendix F for a typical graphic plan):
 - i. Grades or direction of slope on the site (note: slopes over 25% shall be identified)
 - ii. Areas that will be regraded or where vegetation will be removed or disturbed
 - iii. Locations of temporary erosion control measures such as silt fence, sediment b

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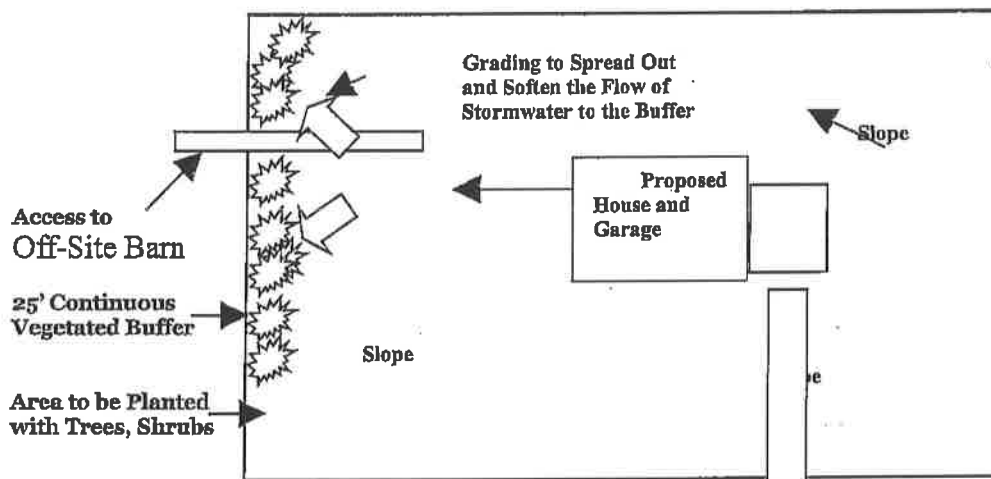
- asins, check dams or diversion ditches
 - iv. Locations of permanent erosion control measures such as grassed or rip rapped ditches, plunge pools, ponds, berms or subsurface drainage structures
 - v. Areas that will be mulched and reseeded
 - vi. Locations where topsoil will be temporarily stockpiled
 - vii. Locations and types of buffer strips adjacent to water bodies
 - viii. Locations and sizes of existing and proposed culverts
2. The written plan shall conform to the development standards in Section 7.b. shall include the following:
- i. Description of plans for temporary seeding (see Appendix B)
 - ii. Description of plans for permanent seeding (see Appendix C)
 - iii. Description of plans for temporary mulching (see Appendix D)
 - iv. Description of plans for temporary runoff control such as silt fencing or diversion ditches
- b. The Erosion and Sedimentation Control Plan shall conform to the following development standards:
- 1. The site shall be developed in such a way as to minimize erosion.
 - 2. Areas to be stripped or regraded shall be protected by temporary erosion control measures.
 - 3. Temporary seeding and mulching shall be applied as soon as possible to exposed areas being developed but in no case more than 1 week from the time they were last actively worked.
 - 4. Until a disturbed area is stabilized, sediment in water shall be trapped in a sediment basin or similar erosion control structure.
 - 5. Within 15 days of reaching final site grades, permanent seeding and erosion control shall be completed for all areas to be revegetated.
 - 6. On slopes greater than 25%, there shall be no grading or filling within 100 feet of the normal high-water mark except to protect the shoreline and prevent erosion.
 - 7. The applicant is responsible for maintenance of all aspects of temporary and permanent erosion control.
 - 8. Topsoil and fill stockpiles shall be at least 100 feet from all water bodies and protected by suitable erosion control measures.

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Appendix A

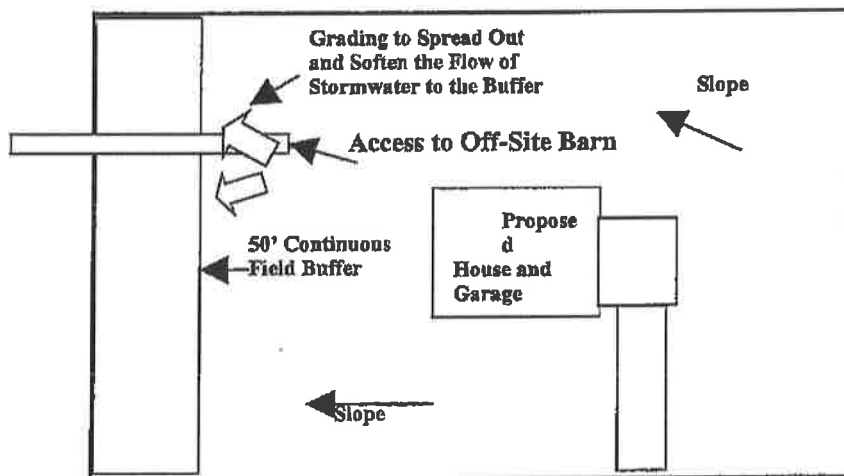
25' Stormwater Buffer

- If Wooded – No Future Cleared Openings or Tree Removal
- If Non-Wooded – Plant with Shrubs or Allow to Revert to Woods



50' Field Stormwater Buffer

- Cut Field Buffer No More Than Twice Per Year



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Appendix B

Temporary Seeding

Temporary seeding is for areas that will not be fine-graded for up to one year.

1. Establish erosion and sedimentation control as shown in the graphic and written plans.
2. Loosen soil to a depth of 2 inches.
3. Apply 13.8 lbs. of 10-10-10 fertilizer and 138 lbs. of limestone per 1,000 s.f. An equivalent mix may be substituted based on the results of soil testing.
4. Apply seed and temporary mulch (see Appendix D) as follows (for hydro seeding, increase seed rate by 10%). If seeding during these time periods is not possible, applicant must submit a written plan in conformance with requirements for temporary mulching in Appendix D.

<u>Seeding Dates</u>	<u>Seeds</u>	<u>Pounds/1,000 s.f.</u>	<u>Seeding Depth</u>
April 1 – July 1	Oats	1.8	1"-1.5"
	Annual Ryegrass	0.9	.25"
May 15 – Aug. 15	Sudan Grass	0.9	.5"-1"
Aug. 15 – Sept. 15	Winter Rye	2.6	1"-1.5"
	Oats	1.8	1"-1.5"
	Perennial	0.9	.25"
Sept. 15 – Oct. 1	Winter Rye	2.6	1"-1.5"

5. The applicant may propose alternative seeding in conformance with the recommendations of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection.

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Appendix C

Permanent Seeding

Permanent seeding is for areas that require permanent vegetative cover to stabilize the soil or where rough-graded areas will not be fine-graded for more that one year.

1. Establish erosion and sedimentation control as shown in the graphic and written plans.
2. Loosen soil to a depth of 4 inches.
3. Apply 18.4 lbs. of 10-20-20 fertilizer and 138 lbs. of limestone per 1,000 s.f. An equivalent mix may be substituted based on the results of soil testing.
4. Remove surface stones 2" and larger and other debris. Till soil until a fine seedbed is prepared and ensure it is not compacted prior to seeding.
5. Apply seed and temporary mulching (see Appendix D) between spring and 45 days prior to first killing frost except dormant seeding, which is applied after first killing frost and before snowfall. If seeding during these time periods is not possible, applicant must submit a written plan in conformance with the requirements for temporary mulching in Appendix D. For hydro seeding, increase seed rates by 10%.
6. If mowing is required, apply mix of 0.46 lbs. creeping red fescue, 0.46 lbs. tall fescue and 0.05 lbs. redbot per 1,000 s.f. except for camping and parking areas, shaded nature trails, lawns and high maintenance areas in which case apply 2.30 lbs. of creeping red fescue per 1,000 s.f. For gravel pits, sand dunes or tidal areas, refer to applicable best management practices in Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection.
7. If mowing is not required, apply the following mixes:

<u>Location</u>	<u>Seed Mix</u>	<u>per 1,000 s.f.</u>
Slopes and banks, gullied and eroded areas, freshwater shorelines	tall fescue	.46 lbs.
	redtop	<u>.11 lbs.</u>
		.57 lbs.
Drainage ditches, channel banks, diversions, ski slopes, woodland access roads, logging yards, skid trails	creeping red fescue	.45 lbs.
	redtop	.05 lbs.
	flat pea	<u>.69 lbs.</u>
		1.19 lbs.
Soil banks	tall fescue	.46 lbs.
	flat pea	<u>.69 lbs.</u>
		1.15 lbs.
Sod waterways and spillways	creeping red fescue	.46 lbs.
	redtop	.05 lbs.
	tall fescue	<u>.46 lbs.</u>
		.97 lbs.

8. The applicant may propose alternative seeding in conformance with the recommendations of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices.

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Appendix D

Temporary and Permanent Mulching

1. Temporary Mulching

Hay or straw mulch shall be applied to areas that have been temporarily or permanently seeded or which cannot be seeded during the growing season. Straw mulch only is to be used for areas where the mulch must be maintained for more than 3 months. The mulch shall cover 75-90% of the ground surface area and shall be applied at a rate of 2 bales per 1,000 s.f. A rate of 4 bales per 1,000 s.f. is to be used for winter protection within the watersheds of phosphorous-sensitive lakes and ponds.

Mulch that is applied to slopes over 15%, waterways, and disturbed areas within 100 feet of a water body or wetland or that is to be used for fall and winter erosion control, shall be anchored by stapling light-weight paper, netting, jute, wood-fiber or plastic netting to the soil surface. For all other areas, apply wood cellulose fiber with a hydro seeder at a rate of 17 pounds per 1,000 s.f. or use chemical mulch.

2. Permanent Mulching

Wood chip, crushed stone or gravel mulching shall be applied to areas subject to erosion or which are unsuited for plant establishment and growth but are not within concentrated flow areas. Wood chips are limited to slopes no steeper than 3:1 and shall be applied green or air-dried at a rate of 500-900 lbs. per 1,000 s.f. Washed gravel or crushed stone with an aggregate size of 0.25"-2.5" shall be applied at a rate of 9 c.y. per 1,000 s.f.

3. Alternative Mulching

The applicant may propose alternative mulching in conformance with the recommendations of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection.

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Appendix E

Definitions

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

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

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

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

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

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

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

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

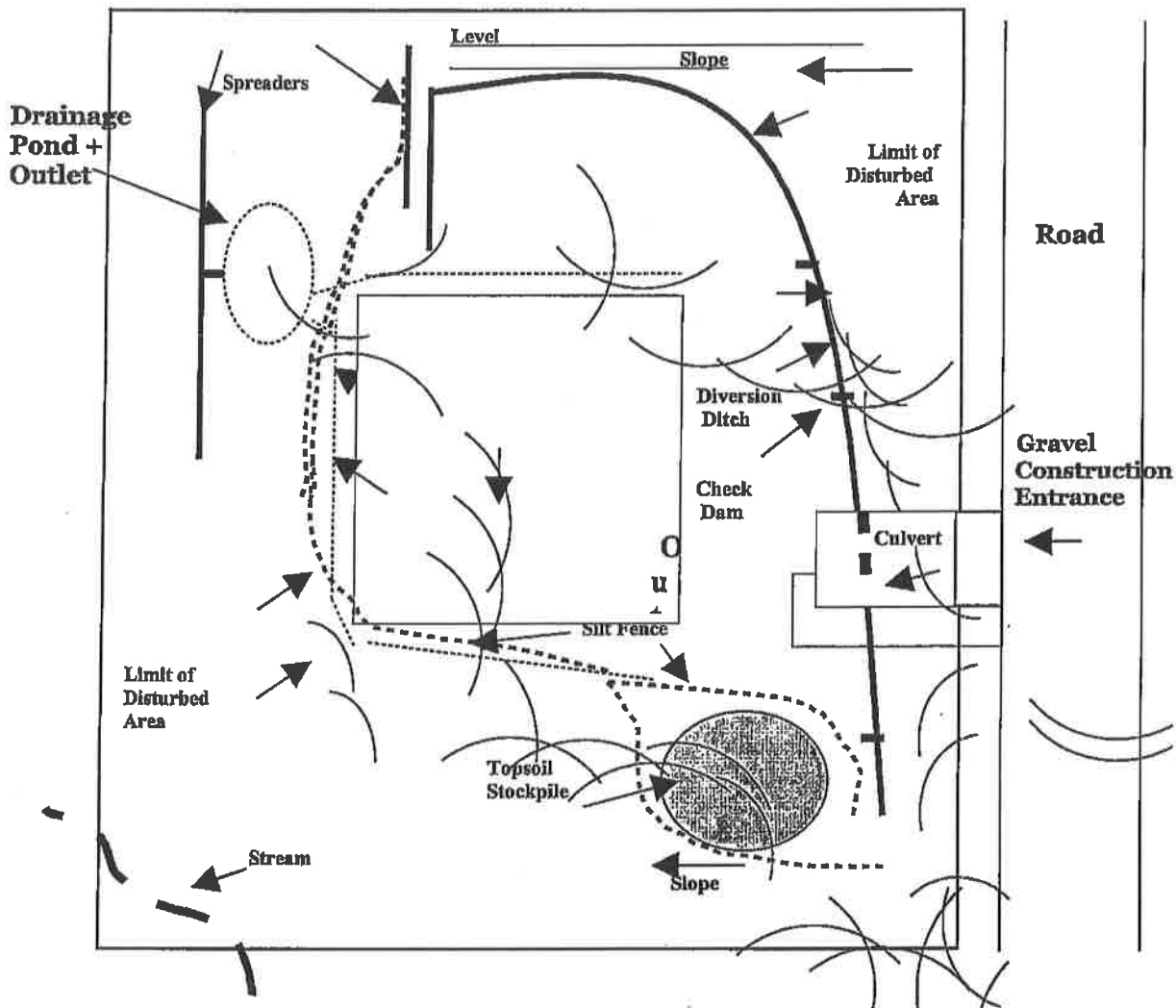
Subsurface drainage structure. Tile, pipe or tubing installed beneath the ground surface to collect and/or convey drainage water.

Temporary check dam. ——— Small, temporary stone or log barriers constructed across a swale or drainage ditch to filter sediment out of drainage.

Water body. A coastal or freshwater wetland, great pond, river, stream or brook, whether seasonal or perennial.

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Appendix F
Graphic Plan (typical)



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V. Shipping Containers

1. Residential Zoning Districts

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

2. Non-Residential Zoning Districts

- a. Shipping containers are permitted in non-residential zoning districts subject to Site Plan Review by the Planning Board and issuance of a shipping container permit by the CEO and further subject to the following standards:
 - i. Their use is limited to the temporary storage of goods, products or materials that are manufactured or assembled on the site or used in manufacturing and assembly on the site.
 - ii. The total floor area of all shipping containers on a lot shall not exceed seven hundred (700) square feet.
 - iii. They are located outside of any required setback, parking space or vehicle maneuvering area.
 - iv. They do not adversely affect sight distance at any point of access from the site onto a public or private way.
 - v. They do not adversely affect stormwater flow across the site.
- b. A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of shipping containers on a non-residential lot if he/she can demonstrate to the satisfaction of the CEO that such shipping containers were on his/her lot and in active use as of January 1, 2004. The CEO may not issue such permit unless the property owner has submitted a written application within six (6) months of the effective date of this ordinance. The application shall include a site plan that shows the location of all shipping containers in relation to existing improvements and demonstrates compliance with the standards of subsection 2.a.i-v. In the event the site does not comply with one or more of the subsection 2.a standards, the application shall include a written plan demonstrating how the site will be brought into conformance within three (3) months of issuance of a shipping container permit. If the CEO determines that the site has not been brought into compliance with the subsection 2.a standards within this time period, he/she may revoke the shipping container permit and order all shipping containers removed from the site.

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- c. Shipping containers may be temporarily placed on property in a commercial or industrial district where a construction project is occurring and utilized for the storage of construction materials, equipment, tools, etc. without a shipping container permit from the CEO. In all cases, such shipping containers shall not be placed where they will diminish or negatively impact sight distance, cause a hazard to the traveling public, or negatively impact existing stormwater flow across the site. Such shipping containers shall be removed within thirty (30) days after the completion of the construction project. *[adopted 5/15/04]*

W. Multi-family Development

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

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proposed for the site:

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

5. Ownership and Maintenance

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

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ARTICLE 10 (ARTICLE X) - SITE PLAN REVIEW

A. Purpose

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

B. Authority

1. Except for single-family and duplex dwellings and accessory uses, no building permit shall be issued for a new building, a new facility such as golf course or public utility, or the major remodeling of an existing building or facility, and no sign permit shall be issued for the erection or reconstruction of a sign relating to such new building or facility, or major remodeling, until the plans, drawings, sketches, and other documents required under this section have been reviewed and approved by the Planning Board. For purposes of this Section, the term "major remodeling" shall mean any remodeling that substantially changes the use of the building or its exterior appearance. Any revision to or addition of paved areas, parking lots, or drives shall constitute a "major remodeling."
- a. The authority of the Planning Board to review certain minor development projects as defined in this Section is hereby delegated to the Code Enforcement Officer.
 - 1) Minor Development: For new buildings or additions to existing buildings that do not

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ceed 2,000 square feet of gross floor area in any 12 month period or additional pavement of not over 2,000 square feet in any 12 month period; the Code Enforcement Officer may issue the permit, provided that the application is in compliance with all relevant provisions of this Ordinance.

- 2) Minor Modifications: The Code Enforcement Officer may deem proposed changes to a site plan or related materials as a minor modification when the building or pavement does not exceed 2,000 square feet in any 12 month period in which case site plan approval by the Planning Board shall not be necessary.
 - 3) The Code Enforcement Officer's review and approval is based upon the application plans and materials submitted by the applicant. Any unresolved issues between the Code Enforcement Officer and the applicant shall be settled by a full site plan review by the Planning Board. [Amended March 20, 1999]
2. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved by the Board, unless altered with Board approval. Nothing in this Subsection shall be construed to prevent ordinary repair, maintenance, and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this Ordinance.

C. Administration

1. The following procedure and requirements shall apply to all applications for site plan review:
 - a. All applications for Site Plan Review shall be made in writing to the Code Enforcement Officer on the forms provided for this purpose. The application shall be made by the owner of the property or by his agent, as designated in writing by the owner. The application for Site Plan Review shall be accompanied by a fee as established, and revised from time to time, by the Board of Selectmen and listed in the Town Fee Schedule.

Ten (10) copies of the completed application for Site Plan Review, together with the documentation required in these regulations shall be submitted at least twenty-two (22) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard. However, any application, which is not complete, shall be returned to the applicant with an indication of the additional information required. Within one hundred (100) days of the receipt of a completed application, the Board shall act to approve or disapprove the Site Plan as submitted or amended.

- b. Prior to taking final action on any Site Plan Review application, the Planning Board will hold a hearing to afford the public the opportunity to comment on the application. Notice of the date, time, and place of such hearing shall be published in a newspaper of local circulation at least seven (7) days prior to the hearing. Further notice shall be sent by mail to property owners abutting the proposed project at least seven (7) days prior to the hearing.
- c. One copy of the approved site plan shall be included in the application for a building permit.
- d. Prior to formal application, an owner or the owner's authorized agent may request an informal review of the site plan by the Planning Board to determine its compliance with Town regulations. Such a request shall be in writing and submitted at least twenty-two (22) days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard. [Adopted 12/19/92]
- e. An owner or his authorized agent shall submit information on the location of the development to the State Historic Preservation Officer (Maine Historic Preservation Commission, 55 Capitol Street, State House Station 55, Augusta, Maine 04333) with a request that the

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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.

- f. 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 Planning Board, 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 Planning Board. [Adopted 3/21/98]
2. The Planning Board shall require the owner or the owner's authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the costs for any professional review of the site plan documents which the Board may feel is reasonably necessary to protect the general welfare of the Town. Amounts for this escrow payment are established by the Board of Selectmen and listed in the Town Fee Schedule. [Amended 5/19/90] 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 the review shall be returned to the owner or the owner's agent.
3. Performance Guarantees.
 - a. The developer shall, in an amount set by the Town Manager, file with the Town, prior to the issuance of Final Approval, a performance guarantee in the form of a certified check payable to the Town of Raymond, a performance bond running to the Town of Raymond, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.
 - b. At the discretion of the Town Manager, the developer may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen, prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.
 - c. A period of one (1) year (or such period as the Town Manager may determine appropriate, not to exceed three (3) years) shall be set forth in the bond time within which required improvements must be completed.
 - d. Inspection of Required Improvements:
 - 1) At least fifteen (15) days prior to commencing construction of required improvements, the developer shall notify in writing the Code Enforcement Officer of the time when the developer proposes to commence construction of such improvements so that the Town Manager can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above;
 - 2) At least five (5) days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Raymond, stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid;

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- 3) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, the inspector shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the developer and, if necessary, the bonding company or bank, and take all necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previously approved Plan;
 - 4) If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Manager, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board;
 - 5) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider;
 - 6) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
- e. The performance guarantee shall not be released by the Town Manager until:
- 1) The inspecting engineer has completed a final inspection of the project and has submitted a written report stating that all required public improvements as defined above have been completed in accordance with approved plans and specifications;
 - 2) The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with the inspecting engineer's findings.
 - 3) Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

D. Submission Requirements

1. When the owner of the property or the owner's authorized agent makes formal application for Site Plan Review, the application shall contain at least the following exhibits and information:
 - a. A fully executed and signed application for Site Plan Review;
 - b. Twelve (12) copies of a Site Plan drawn at a scale of not more than fifty (50) feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
 - 1) Name of owner and developer; and interest of the applicant if other than the owner or developer;
 - 2) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend;

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- 3) Names and addresses of all owners of record of all adjacent property as they appear on Assessor's records;
- 4) Current zoning boundaries and one hundred (100) year flood plain boundaries including surrounding areas to a distance of three hundred (300) feet from the perimeter of the site;
- 5) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property;
- 6) A surveyed topographic map of the site showing existing and proposed contours at no more than two (2) foot intervals; [Amended March 20, 1999]
- 7) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of ten (10) inches measured three (3) feet from the base of the trunk;
- 8) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of one hundred (100) feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed;
- 9) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within two hundred (200) feet of the subject property;
- 10) Existing soil conditions and soil suitability test results for septic waste disposal. The Planning Board also may require submission of a high intensity soils map;
- 11) Locations of proposed buildings and uses thereof;
- 12) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curb lines, sidewalk lines, and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
- 13) Location of existing and proposed public utility lines indicating whether proposed lines will be placed underground;
- 14) A storm water management plan, prepared by a registered professional engineer, shall be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, 2-, 10-, and 25-year frequency storm events. The storm water plan shall be prepared in accordance with *Stormwater Management for Maine: Best Management Practices*, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The storm water 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. [Amended 5/18/02]
- 15) Location and design of proposed off-street parking and loading areas indicating number and size of stalls;
- 16) Proposed location and direction of, and time of use of outdoor lighting;

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- 17) Existing and proposed planting, fences and walks, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors;
- 18) Location, size, design, and manner of illumination of signs;
- 19) Disposal of sewage, trash, solid waste, oily waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas;
- 20) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances, and radii of curves including the name and seal of the registered land surveyor who prepared the plan;
- 21) Description and plan of capacity and location of means of sewage disposal and evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) approved by a registered engineer or soils scientist;
- 22) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by this Section X, Section F.(1) for the uses proposed, the number of employees expected per shift, and the total floor area of proposed commercial or industrial uses;
- 23) Description and plan of a "phase development concept" detailing the areas and sequence of phasing;
- 24) A notarized statement by the developer explaining how the developer intends to comply with the performance guarantee requirement of Article X, C, 3, a; [Amended March 20, 1999]
- 25) When a proposed use is over a State-designated sand and gravel aquifer, information on the amount and types of waste to be generated or materials to be stored, used, transported, or applied on an annual basis, and the precautions, safeguards or methods that will be used to minimize the potential for groundwater contamination;
- 26) Location of existing trails used for hiking, walking, bicycling, snowmobiling, and horseback riding, as well as any portion of any Town- designated greenbelt, which occurs on the property.
- 27) [Adopted 5/18/02] An erosion and sedimentation control plan shall be prepared in accordance with the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*, latest revision, prepared by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part thereof. The plan shall be prepared either by a professional civil engineer or by a Certified Professional in Erosion and Sediment Control (CPESC). At a minimum, the following items shall be discussed and provided:
 1. The name, address, and telephone number of the applicant.
 2. The name, address, and telephone number of the person responsible for implementing the plan.

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3. A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.
4. Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
5. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
6. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
7. Description of temporary and permanent erosion control practices that will be used.
8. Identification of the locations of the temporary and permanent erosion control practices.
9. Identification of how, where and when collected sediment will be disposed.
10. Dust control measures.
11. Inspection and maintenance procedures, including schedule and frequency.
12. Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

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

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

E. Criteria and Standards

1. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.
 - a. **Preservation of Landscape:** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

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

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

- b. **Relation of Proposed Buildings to the Environment:** Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.
 - c. **Vehicular Access:** The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number, and control of access points, adequacy of adjacent

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streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts.

- d. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.
- e. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. *[Amended 5/18/02]*
- f. **Utilities:** The site plan shall show what provisions are being proposed for water supply and wastewater disposal. Electric, telephone, and other utility lines shall be installed underground.
- g. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- h. **Exterior Lighting:** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.
- i. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- j. **Landscaping:** Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas.
- k. The standards and regulations set forth in Article IX of the Land Use Ordinance shall be adhered to where applicable.

F. Performance Standards

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

- 1. **Parking Area Design Standards.**
 - a. **Access -** There shall be adequate provisions for ingress and egress to all parking spaces. The width of access drives or driveways shall be determined as part of Site Plan Review, depending on use, topography and similar consideration. They shall meet the requirements of this Article.

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- b. Size of Aisles - The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle (degrees)	Aisle Width (feet)
0 parallel parking	12
30	12
45	13
60	18
90 (perpendicular parking)	25

- c. Off-Street Parking - Off-street parking requirements shall conform to Article IX, C.
- d. General Location. No off-street parking or loading areas shall be located in a minimum required front yard, rear or side yards. All parking shall be located in bays generally perpendicular to driveways or roads. [Amended March 20, 1999]
- e. Sidewalk and Curbing - Sidewalks between parking areas and principal structures along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of four (4) feet of passable area and shall be raised six (6) inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width or two and one-half (2 1/2) feet is provided to accommodate such overhang.

2. Lighting of Parking Areas.

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

3. Marking and Delineation of Parking Areas.

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

4. General Circulation and Parking Design Principles.

- a. Parking space allocations should be oriented to specific buildings.
- b. Parking areas should be designed to focus on major walkways, which should be fenced or marked.
- c. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result. A one-way car movement (to the left or counterclockwise) should be encouraged. A major loop road should be developed around the parking areas, and parking bays should run perpendicular off the road.

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- d. Driveways should approach from the right to permit passengers to alight to or from the sidewalk.
- e. Whenever possible, one-way traffic should be established at building entrances.
- f. Where buses are a factor, bus shelters and bus indentation slots off the roadway should be provided.

5. Waiver of Parking or Loading Requirements.

If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the applicant's operation or use, the parking and/or loading and unloading requirements of this section are unnecessary or excessive, the Planning Board shall have the power to approve a site plan showing less paved parking or unloading area than is required by this section; provided, however, that a landscaped area of sufficient size to meet the deficiency shall be set aside and reserved for the purpose of meeting future off-street parking or unloading requirements in the event that a change of use of the premises shall make such additional off-street facilities necessary.

6. Entrances Location and Design.

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

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

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

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7. Driveway Angles.

- a. Two-way operation - Entrances or exits used for two-way operation shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees.
- b. One-way operation - Entrances or exits used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road unless acceleration and deceleration lanes are provided.

8. Entrance/Exit Dimensions.

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

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

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

9. Entrance/Exit Surfacing.

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

10. Entrance/Exit Profile.

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

11. Entrance/Exit Grades.

Entrances or exits shall not have a grade in excess of ten (10) percent over the entire length. On arterials the grade shall not be more than three (3) percent for the first twenty-five (25) feet from the road unless otherwise approved by the Planning Board. Entrance/exits shall not be located where visibility is limited because of curves or topography.

12. Road Standards.

When a project entails the construction of public or private ways, these ways shall conform to Town standards as described in the Raymond Street Ordinance.

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- a. No development that requires Planning Board approval shall be allowed on parcels that do not have frontage on Town approved roads or the connecting road shall be brought up to Town standards and maintained by the developer until such time as the road is taken over by the Town or a road association. [Adopted 5/20/89]

13. Lighting.

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

- a. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- b. The maximum height of freestanding lights shall be the same as the principal building but not exceeding twenty-five (25) feet.
- c. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to one hundred fifty (150) degrees.
- d. Where lights along property lines will be visible to adjacent residents, the lights should be appropriately shielded.
- e. Spotlight-type fixtures attached to buildings should be avoided.
- f. Freestanding lights shall be so located and protected as to avoid being easily damaged by vehicles.
- g. Lighting should be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
- h. Pathways, sidewalks and trails should be lighted with low or mushroom-type standards.
- i. Stairways and sloping or rising paths, building entrances and exits require illumination.
- j. Lighting should be provided where buildings are set back or offset.
- k. The following intensity in foot-candles should be provided:
 - 1) Parking lots: an average of one and five-tenths (1.5) foot-candles throughout.
 - 2) Intersections: three (3) foot-candles.
 - 3) Maximum at property lines: one and zero-tenths (1.0) foot-candle.
 - 4) In residential areas: average of six-tenths (0.6) foot-candle.
- l. Display lighting shall be shielded and shall be so located and maintained as not to constitute a hazard or nuisance to the traveling public or to neighbors. In particular, so-called "string lights" shall not be permitted.

14. Buffers.

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

- a. Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two (2) or three (3) rows of staggered plantings. The rows should be five (5) feet apart

a

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and the evergreens planted four (4) feet on center.

- b. Buffers shall be considered in or for the following areas and purposes:
 - 1) Along property lines, to shield various uses from each other.
 - 2) Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
 - 3) Parking areas, garbage collection areas, and loading and unloading areas.
 - 4) To block prevailing wind patterns and to stop wind-borne debris from leaving the site.
- c. Natural features shall be maintained wherever possible to provide a buffer between the proposed development and noncompatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.
- d. Buffers shall be sufficient to shield structures and uses from the view of noncompatible abutting properties and public roadways, and to otherwise prevent any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.
- e. Fencing and screening shall be durable and properly maintained at all times by the owner.
- f. Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- g. All buffer areas shall be maintained in a neat and sanitary condition by the owner.

15. Site Conditions.

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

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16. Environmental Considerations: The site plan shall be designed in accordance with applicable Town regulations designed to protect the environment.
- a. Conservation, erosion and sediment control. The following measures shall be included where applicable as part of any Site Plan Review and approval:
- 1) Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - 2) Development shall preserve salient natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
 - 3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - 4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
 - 5) Disturbed soils shall be stabilized as quickly as practicable.
 - 6) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - 7) The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - 8) Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - 9) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at the developer's expense as quickly as possible.
 - 10) It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the floodway or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, floodway or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed.
 - 11) Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
- b. Hazardous Matter. For any toxic or hazardous matter storage as defined in 38 M.R.S.A., Sec. 13, the Planning Board may require:
- 1) An environmental evaluation of the geologic, hydrologic, and soils conditions of the site;
 - 2) A description of wastes to be stored, the storage method, and the disposal method;
 - 3) Information as to the existing ground water quality around the site, and a system to monitor any changes should contamination occur;
 - 4) Findings and use of hazardous matter must be shown to be consistent with other local and state regulations.

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- c. Odors. Adequate provisions must be made to control the emission of odors from the site, in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction odor levels.
- d. Noise. Adequate provisions must be made to control unnecessary noise from and at the site in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction noise levels.
- e. Vibrations. Adequate provision must be made to control vibrations in accordance with this Ordinance. The Planning Board may require the applicant to establish pre and post-construction vibration levels.
- f. Unique Features. Adequate provision must be made to mitigate adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, any deer wintering area or other important plant or wildlife habitat or scenic area such as views of Sebago Lake or mountains from public places, or other features of importance to the Town.

Developers shall be encouraged to retain any existing trail system that crosses the property or to re-route the trail system to a suitable portion of the property such that the integrity and continuity of the trail is retained. Developers shall be encouraged to retain the integrity and continuity of any greenbelt, which crosses the property.

- 17. 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]*

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ARTICLE 11 (ARTICLE XI) - LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

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

B. Separability

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

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ARTICLE 12 (ARTICLE XII) - APPLICABILITY AND DEFINITION OF TERMS USED IN THIS ORDINANCE

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

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

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

Accessory Apartments- Accessory apartments attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than thirty (30) percent including the area of the septic system. The Appeals Board may grant an additional five (5) percent. If the total number of bedrooms or potential bedrooms exceed by more than one (1), the number of bedrooms that the existing system is designed for, a replacement or expanded system shall be installed before occupancy. If the total number of bedrooms or potential bedrooms increases by one (1), a replacement or expanded system shall be designed and recorded in the Registry of Deeds. The accessory apartment shall not comprise more than 700 s.f. of living space, excluding stairways. Not more than one (1) accessory apartment shall be permitted per parcel.

[adopted 5/20/06]

Accessory Use ~~or~~ of Building - A use or structure on the same lot with and customarily incidental and subordinate to the principal use or building.

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

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

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

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

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

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

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

Back lot (created on or after May 18, 2002) – A lot for single-family residential use that:

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

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

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

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

Buffer strip - An area or belt of land covered with trees or other vegetation that serves to protect a body of water from the adverse effects of development. [Relocated from end of Article IX Section 7. Appendix E]

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

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

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

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

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

~~Campsite, personal - Any premise providing temporary accommodation for campers in a recreational vehicle, trailer, or tent and used exclusively by the owner of the property and his or her immediate family, no rentals. Such personal campgrounds shall be limited to no more than one (1) campsite and may not be utilized for more than ninety (90) calendar days per calendar year, including storage of a recreational unit, excepting that, the owner of a lot/parcel used as his/her primary residence may store the recreational vehicle(s) or camper(s) owned and registered to him/her. If two (2) recreational vehicles or trailers are sited on one (1) lot/parcel each campsite shall contain at least thirty thousand (30,000) square feet. All setback requirements must be met, including awnings, etc. In no case shall two (2) campsites comprise more than fifty (50) percent of any lot/parcel, and in no case shall the campsite(s) comprise more than fifty (50) percent of any lot/parcel which also has a seasonal or year round structure on the lot/parcel. A permit must be obtained before the first (1st) day of use. Size is limited to two hundred eighty (280) square~~

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~~e feet of floor area measured from the overall outside dimensions. All structures must be removed at the end of the ninety (90) days.~~

~~ALL WASTE must be disposed of according to all State and local regulations. [Adopted 5/19/90]~~

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

Condominium - ~~A multi-family dwelling where land and buildings are owned by the residents. As defined in the Maine Condominium Act, Chapter 31 of Title 33 of the Maine Revised Statutes, as such may be amended from time to time.~~

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

Diversion ditch - A ditch constructed across the slope to divert water away from the area under development. [Relocated from end of Article IX Section 7. Appendix E]

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

Dwelling Unit - One (1) or more habitable rooms designed, intended or used for living quarters by one (1) or more persons living together as a family, with living, sleeping, sanitary, and cooking facilities, including within the meaning of cooking facilities a stove, hot plate, microwave oven, or other device for heating or cooking food. [Adopted 5/16/87]

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

Duplex – A building with two dwelling units.

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

Elderly Housing – a building or group of buildings containing three or more dwelling units which are limited for a period of at least 50 years by restrictive covenants recorded in the Cumberland County Registry of Deeds to use only as “housing for older persons,” as defined in the Federal Fair Housing Act, as that act may be amended.²

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

- a. a dwelling which the federal Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons under a federal or state government program;
- b. a dwelling intended for and occupied solely by persons who are 62 years of age or older; or

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Emergency Operations - Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury. [Relocated from end of Article XII]

Erosion Control - The placement of vegetation, such as grasses and wildflowers, and other materials, such as straw, fiber, stabilizing emulsion, protective blankets, etc., on areas disturbed by grading operations. Erosion control measures reduce the loss of soil due to the action of water or wind and minimize water pollution. [Relocated from end of Article IX Section 7. Appendix E]

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

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

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

Frontage - See Lot Frontage.

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

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

Home Occupation - An occupation or profession that is customarily carried on in a dwelling unit and clearly incidental and secondary to the use of the dwelling unit for residential purposes. A home occupation must conform to the standards set forth in Article IX of this Ordinance.

The following are examples of permitted uses under this definition:

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

The following uses are specifically prohibited as a home occupation:

-
- c. a housing facility or community intended and operated for occupancy by persons 55 years of age or older and in which:
- (i) at least 80% of the occupied units are occupied by at least one person who is 55 years of age or older,
 - (ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent to operate for occupancy by persons 55 years of age or older, and the housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.

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1. Auto repair, 2. Auto body repair.

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

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

In-law Apartments - In-law apartments, attached or detached, shall be allowed in a Residential zone provided that the existing structure and the in-law apartment shall not cover the lot by more than thirty (30) percent including the area of the septic system. The Appeals Board may grant an additional five (5) percent. If the total number of bedrooms or potential bedrooms exceed by more than one (1), the number of bedrooms that the existing system is designed for, a replacement or expanded system shall be installed before occupancy. If the total number of bedrooms or potential bedrooms increases by one (1), a replacement or expanded system shall be designed and recorded in the Registry of Deeds. In either case a restriction shall be recorded in the deed to the property, that the apartment is for in-law use only and is not for rental or two (2) family use. The occupants of the in-law apartment must be legally related to the resident and lot owner. The in-law apartment shall not comprise more than 700 s.f. of living space, excluding stairways. The verification of the occupants shall be filed with the Town Office before the in-law apartment is established and a permit issued, plus renewed yearly before July 1st of each year for all new and existing in-law apartments. Inspections to verify permitted use may be made not to exceed two (2) inspections per year by the Code Enforcement Officer. [Adopted 5/19/90, Amended 5/15/04]

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

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

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

Lot Coverage - The portion of a lot that is covered by structures, generally expressed as a percentage of the total lot area.

Lot Frontage - The distance along the front lot lines of a lot, or in the case of an irregular or curved front lot line, the distance along an imaginary straight line connecting the two (2) ends of the front lot line. That side of a lot facing a major public water body shall be known as the waterfront; and the side or sides facing a street shall be known as the street front.

Lot Measurements

- ~~1. Depth of a lot shall be considered to be a line perpendicular to the lot frontage and extending from the foremost points of the side lot lines in the front to the rear most points of the side lot lines in the rear.~~
- ~~2. Width of a lot shall be considered to be the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.~~
- ~~3. Setback Measurements shall be measured from the road limit or the normal high water mark to the nearest part of the principal building on the lot.~~

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

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development Standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit:

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

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

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

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

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

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

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

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

~~**Net Residential Density**—Net residential density shall mean the number of dwelling units per acre of net residential area. Net residential area means the area of a parcel, which is suitable for development as determined by the Planning Board, calculated by subtracting the following from the total or gross acreage of a parcel:~~

- ~~1. Total acreage that is used for street and sidewalk rights-of-way;~~
- ~~2. Portions of the parcel containing slopes over thirty five (35) percent;~~
- ~~3. Portion of the parcel shown to be within the 100-year floodplain and floodway as designated on Federal Emergency Management Agency (FEMA) maps;~~
- ~~4. Portions of the parcel located in the Resource Protection District;~~
- ~~5. Portions of the parcel which are unsuitable for development in their natural state due to drainage or subsoil conditions, including, but not limited to;~~

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- ~~a. Water table at or near the surface for all or part of the year;~~
- ~~b. Unstable soils such as Sebago mucky peat.~~
- 6. Portions of the parcel covered by surface waterbodies. Where the extent of unsuitability in a specific case requires interpretation, the Planning Board shall be guided by whether or not the potentially unsuitable area could be incorporated and used in a minimum size lot if the entire tract were developed as a traditional subdivision. [Adopted 9/26/87]

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

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

Normal High Water Mark of Inland Waters - That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to the following plants and plant groups water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method. [Relocated from end of Article XII]

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

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

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

Plunge pool - A stone-lined pool below the elevated outlet of a drainage culvert used to reduce the erosive force of water. [Relocated from end of Article IX Section 7. Appendix E]

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

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

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

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

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

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drug stores, but not eating facilities.

Riprap - Large, loose, angular or rounded stone used as a permanent erosion-resistant ground cover.
[Relocated from end of Article IX Section 7. Appendix E]

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

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

Road-Crossing of a Watercourse - That portion of road that traverses a river or a body of standing water.
[Relocated from end of Article XII]

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

~~Ruins - No owner or occupant of land in any district shall permit fire ruins or other ruins to be left, but within one year from the date of the disaster shall remove, repair, rebuild, or replace the structure. Nothing in this section shall prohibit the Town from considering the ruins to be a dangerous building or a nuisance, as provided by law Buildings or other structures that are destroyed or damaged by fire or other disasters.~~

Sediment basin - An embankment or shallow excavated pit or pond used to impound water in order to collect and store sediment and/or debris. [Relocated from end of Article IX Section 7. Appendix E]

Sedimentation Control - Physical practices, such as installation of silt fence, stone check dams, sediment traps, etc., that help reduce the likelihood of eroded soil particles suspended in stormwater from being deposited in a stream, lake or other body of water. [Relocated from end of Article IX Section 7. Appendix E]

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

1. A garage, barn or storage structure accessory to a principal use provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise.
2. A "dumpster"-type container that is owned by a licensed waste hauler and is emptied no less than once a month provided that use of such container is incidental to the principal use of the property. (adopted 5/15/04)

Sign - An attached or freestanding structure or part of a structure designed to convey to persons not on the premises some information, knowledge, or idea by means of letters, words, insignia, color, illuminated, or non-illuminated device or illustration provided, however, that the following shall not be included in the application of the regulations of this Ordinance.

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of the premises or other non-commercial identification.
2. Flags or insignia of any government.
3. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
4. Signs not exceeding twelve (12) square feet in area, bearing only the identification of, and

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information concerning the occupant of the premises used for religious, charitable, education, or philanthropic purposes.

5. Integral decorative or architectural features of building except letter, trademarks, moving parts, or moving lights.
6. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
7. Sign Area - For the purposes of this Ordinance, the area of a sign shall be construed to be that part or surface used to convey a message but shall not include poles, standards or other parts that perform solely a weight bearing function.

Silt Fence - A pervious woven or non-woven material that is installed across or at the toe of a slope in order to slow the velocity of water and allow sediment to settle out. Silt fence is supported by metal or wooden stakes and is extended under the soil surface to prevent bypass of drainage water. [Relocated from end of Article IX Section 7. Appendix E]

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

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

Street - Any public way or thoroughfare for the conveyance of motor vehicles whether in existence as an accepted Town street or road used as a public way or set aside for such use in a plat plan, etc.

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

Structure Terms: [Relocated from end of Article XII]

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

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

Subsurface drainage structure - Tile, pipe or tubing installed beneath the ground surface to collect and/or convey drainage water. [Relocated from end of Article IX Section 7. Appendix E]

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Temporary check dam - Small, temporary stone or log barriers constructed across a swale or drainage ditch to filter sediment out of drainage. [Relocated from end of Article IX Section 7. Appendix E]

Timber Harvesting - The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction. [Relocated from end of Article XII]

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

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

Water body - A coastal or freshwater wetland, great pond, river, stream or brook, whether seasonal or perennial. [Relocated from end of Article XII]

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

Structure Terms

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

Other Terms

- ~~1. Aggrieved Party - A person whose land is directly or indirectly affected by a grant or denial of a permit or variance under this Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five (5) or more citizens of the municipality who represent an interest adverse to the grant or denial or such permit or variance.~~
- ~~2. Emergency Operations - Emergency operations shall include operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.~~

Water Related Terms

- ~~1. Pond - Any inland body of water which has a surface area in excess of ten (10) acres, except where such body of water is man made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.~~
- ~~2. River - Any free flowing body of water from that point at which it provided drainage for a watershed of twenty five (25) square miles to its mouth.~~

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3. ~~Normal High Water Mark of Inland Waters—That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes, but is not limited to the following plants and plant groups—water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses, and terrestrial vegetation includes but is not limited to the following plants and plant groups—upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.~~

Forest Management Terms

1. ~~Forest Management Activities—Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.~~
2. ~~Timber Harvesting—The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.~~

Road Terms

1. ~~Road—A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing materials constructed for or created by the repeated passage of motorized vehicles.~~
2. ~~Major Road Crossing of a Watercourse—that portion of road that traverses a river or a body of standing water.~~
3. ~~Minor Road Crossing of a Watercourse—That portion of a road which traverses a flowing water or a stream channel and which is other than a major road crossing of a watercourse as defined above.~~

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ARTICLE 13 (ARTICLE XIII) – OPEN SPACE SUBDIVISIONS

A. Introduction

1. Policy

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

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

2. Purposes

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

- a. Long term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan, the Subdivision Regulations, and the Land Use Ordinance including but not limited to:
 - 1) State-defined critical areas, and unique natural features located on the parcel to be subdivided;
 - 2) Historic land use patterns and historic structures;
 - 3) Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;
 - 4) Contiguous stands of mature trees;
- b. Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;
- c. Provision of adequate buffers for adjoining properties where needed;
- d. Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;
- e. Conservation of land suitable or actively used for agriculture and forestry uses, particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
- f. Conservation of traditional land uses;

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- g. Creation of choices in the type of environment (business or residential) and type of housing available that will be a long-term asset to Raymond;
- h. Construction of affordable housing;
- i. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
- j. Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.

3. Types of Open Space Subdivisions

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

a. Cluster Subdivisions.

A cluster subdivision achieves the purposes of this performance standard by reducing the lot size and frontage and setback requirements in the Land Use Ordinance, modifying the road design standards contained in the Subdivision Regulations, and clustering housing or business structures and uses in those areas where they will have the least impact on identified environmental and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions and/or conservation easements that run with the land. The cluster principle can be applied to subdivisions of any size.

b. Conservation Density Subdivisions.

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

4. Grouping Contiguous Parcels

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

B. Planning Board Review

1. Preapplication

An individual may apply for approval of an open-space subdivision as part of the pre-application review described in Article IV of the Subdivision Regulations

2. Application Procedure

a. Required Plans

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

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Subdivision Regulations and for Site Plan Review.

b. **Waiver of Submission and Review Requirements**

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

C. General Requirements

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

1. Use and District Requirements

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

2. Allowable Density

- a. The allowable density for a proposed development of five or fewer lots within any five-year period of a parcel of land under one ownership or a grouping of contiguous parcels as described in section XIII.A.4 shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district without reference to net residential acreage.
- b. The provisions for open space subdivisions may be applied to a development consisting of a single lot where the purposes set forth in section XIII.A.2. will be served and which may provide effective long range planning for a larger parcel of land than sought to be developed, when used in conjunction with the flexible open space and substitution, timing, or phasing provisions of this performance standard. In such cases, sufficient open space to accommodate the single lot shall be permanently preserved as set forth in subparagraph section XIII.D.
- c. The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:
 - 1) Determine the ~~buildable area~~ developable area of the parcel according to the definition of "net residential area" contained in Article XII and increase it by 20%; then [amended 5-21-05]
 - 2) For single-family and multi-family open space subdivisions, divide the increased net residential area by the minimum lot size required in the District to obtain the net residential density allowable.[amended 5-21-05]
- d. A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.
- e. A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.
- f. Any affordable housing density bonus provision provided for in the Land Use Ordinance or the Subdivision Regulations shall also apply within clustered residential projects.

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- g. In a conservation density subdivision, where all other requirements of this performance standard are met, the Planning Board may include up to 50% of land in Resource Protection zones and wetland areas for purposes of calculating density.

3. Layout and Siting Standards

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

The building lots on a parcel shall be laid out and the residences and business structures shall be sited so as to maximize the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

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

4. Space Standards

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

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

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

5. Utilities

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

- a. The Planning Board may waive or modify hydrogeological reviews or studies, if the applicant demonstrates that due to the specific placement of wells and septic systems:
 - 1) adequate groundwater is available at all locations proposed for individual water systems; and that
 - 2) there is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10mg/l of nitrates.
- b. If a private collection septic system is proposed for a single family clustered development or a multiplex cluster development, the applicant must show either that at least one (1) designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the Main State Plumbing Code, and that a second designated site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed.
- c. If a private central collection system is proposed, the system shall be maintained by an homeowners association or under an agreement of the lot or unit owners in the same fashion

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required for maintenance of the open space by a Home Owners Association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board.

D. OPEN SPACE REQUIREMENTS

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

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

1. Open Space Uses

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

- a. On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.
- b. When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
- c. Open space areas, shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
- d. If the open space is to be devoted, at least in part to a productive land use, such as agriculture or forestry, the developer shall submit to the Planning Board a plan of how such use is to be fostered in the future. Such plan may include, for example, a long-term timber management plan.
- e. The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.
- f. Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in section XIII.D.3. Structures and buildings accessory to agriculture, recreation or conservation uses may be erected on open space, subject to Planning Board approval under the Site Plan Review provisions of the Land Use Ordinance and this performance standard.

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2. Notations on Plan

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

3. Preservation in Perpetuity

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

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

4. Ownership of Open Space Land

Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a homeowner's association

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(HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in section XIII.A.2 and under the other requirements of this Land Use Ordinance and the Subdivision Regulations.

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

5. Flexible Open Space and Substitution; Phasing

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

6. Maintenance Standards

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

