

**TOWN OF RAYMOND**  
**Tuesday, December 2, 2008**

**SPECIAL TOWN MEETING MINUTES**

Town Clerk Louise Lester opened the meeting at 7:00 pm at the Jordan-Small Middle School cafeteria saying:

TO: Nathan White, 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 Jordan Small Middle School cafeteria, 423 Webbs Mills Road, in said Town of Raymond on Tuesday, December 2, 2008, 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 Steve Warshaw.

**MOTION:** There was a motion and second for nominations to cease.

**VOTE:** Carried.

**VOTE ON NOMINATION:** Carried.

**ARTICLE 2:** Shall portions of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

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

**VOTE:** Carried.

**ARTICLE 3:** Shall Article 9, Section U of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

**MOTION:** There was a motion and second to approve Article 3.

**VOTE:** Carried.

**ARTICLE 4:** Shall Article 9 of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, be further amended by adding the underscored language as described in Appendix A dated 11/2/08.

**MOTION:** There was a motion and second to approve Article 4.

**VOTE:** Carried.

**ARTICLE 5:** Shall Article 10, Sections D and E of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

**MOTION:** There was a motion and second to approve Article 5.

**VOTE:** Carried.

**ARTICLE 6:** Shall Article 5, Section 2.2.10, Article 8, Section 10 and Article 9, Section 7 of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be

further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

MOTION: There was a motion and second to approve Article 6.  
VOTE: Carried.

MOTION: There was a motion and second to allow non-residents to speak at this meeting.  
VOTE: Carried.

**ARTICLE 7:** Shall Article 5, Section 2.2.17 of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

MOTION: There was a motion and second to approve Article 7.  
VOTE: Carried.

**ARTICLE 8:** Shall Article 5, Section 2 and Article 8, Section 15 of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

MOTION: There was a motion and second to approve Article 8.  
VOTE: Carried.

**ARTICLE 9:** Shall Section 15.J and Section 15.R of the Town of Raymond Shoreland Zoning Provisions, as adopted May 21, 1994 and amended through May 21, 2005, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

MOTION: There was a motion and second to approve Article 9.  
VOTE: Carried.

**ARTICLE 10:** Shall the Land Use Map adopted May 16, 1992 as part of the Land Use Ordinance of the Town of Raymond, Maine be superseded and replaced by a new Land Use Regulation Map being that map entitled *Town of Raymond, Maine Official Land Use Map* prepared by New England Planning Concepts and filed in the office of the Town Clerk on November 18, 2008 and being that map that does not include Stream Protection (SP) districts.

MOTION: There was a motion and second to approve Article 10.  
VOTE: Carried.

**ARTICLE 11:** Shall Article 10, Sections A and B of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, and Article 4, Section 1.B, Article 5, Sections 1.A and 2.B, and Article 6, Sections 1.A and 2.A of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as described in Appendix A dated 11/2/08.

MOTION: There was a motion and second to approve Article 11.  
VOTE: Carried.

The Moderator declared the meeting adjourned at 7:13 pm.



Louise H. Lester  
Town Clerk

**Proposed Ordinance Amendments - December 2008**

(Prior)		STM Warrant		Proposed Change	
Art #	Art.	Ord.	Ord. Section	Ord Section Title or Heading	Proposed Change
2	1	SDO		portions of the Town of Raymond Subdivision Ordinance	Formatting and renumbering
3	2	LUO	Article 9, Section U	Lots	Significant revision of environmental standards - particularly stormwater and phosphorous - as applied to single lot development
4	3	LUO	Article 9, Section X	MINIMUM STANDARDS X. Stormwater Quality and Phosphorous Control	Adds a new section which applies the new single lot stormwater and phosphorous standards to all development, construction, alteration or building on lots that are within 600' of a great pond or 100' of a perennial stream
5	4	LUO	Article 10, Sections D and E	Submission Requirements and Standards Criteria	Updates and clarifies the site plan submission requirements for stormwater management plans and erosion and sedimentation control plan, and the Surface Water Drainage criteria
6	5	SDO	Article 5, Section 2.2.10, Article 8, Section 10 and Article 9, Section 7	Submissions - Preliminary Plan Lots Sewage Disposal	Updates and clarifies the subdivision submission requirements and performance standards for subsurface wastewater disposal systems
7	6	SDO	Article 5, Section 2.2.17	Submissions - Preliminary Plan	Updates and clarifies the subdivision submission requirements for Erosion and Sedimentation Control Plans
8	7	SDO	Article 5, Section 2.B.12 & 26 and Article 8, Section 15	Submissions - Preliminary Plan Stormwater Quality and Phosphorous Control	Updates and clarifies the subdivision submission requirements and the required standards for stormwater management plans and phosphorous control plans
9	8	SZO	Section 15. J and Section 15. R	LAND USE STANDARDS Storm Water Runoff and Flood Protection Erosion and Sedimentation Control	Updates and clarifies standards for development within flood zones and Erosion and Sedimentation Control Plans within the shoreland zone
10	9	Map	Map	Zoning Map	Updates existing zoning map in a digital format
11	11	LUO & SDO	(LUO)Article 10, Sections A & B, (SDO)Article 4, Section 1.B, Article 5, Sections 1.A & 2.B, Article 6, Sections 1.A & 2.A	SITE PLAN REVIEW Administration Submission Requirements PREAPPLICATION Procedure PRELIMINARY PLAN Procedure / Submissions FINAL PLAN Procedure / Submissions	Changes required numbers of copies of application from 12 to 15 and changes submissions deadline from 22 days before PE meeting to 26 days for all phases of subdivision applications and for Site plan applications

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## Proposed Ordinance Amendments

To be voted on at Raymond Special Town Meeting – December 2, 2008

At a Special Town Meeting to be held this December 2, 2008, the citizens of Raymond will be asked to vote on warrant articles pertaining to proposed amendments to the Land Use, Subdivision and Shoreland Zoning ordinances as well as the Land Use map. Set out below is the text of the question for each article, followed by a brief description of the proposed amendment. The questions include a reference to the ordinance provision proposed for amendment.

The proposed draft amendment language is not included here but is available at the town office and on the town website ([www.raymondmaine.org](http://www.raymondmaine.org)). The draft amendment language will be updated as changes are made in response to further review of the proposed amendments. The full text of the final proposed amendments will appear on the warrant for the Special Town Meeting.

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

**ARTICLE 1: Shall portions of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: The proposed amendments would add descriptive headings to certain sections of the Subdivision Ordinance that currently do not have headings in order to help guide users of the ordinance. The amendments would also renumber portions of the Subdivision Ordinance to make the numbering and organization of the ordinance more consistent. None of the amendments proposed by this article would make any changes to the substantive language or meaning of the Subdivision Ordinance.*

**ARTICLE 2: Shall Article 9, Section U of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: Article 9, Section U of the Town of Raymond Land Use Ordinance sets out standards for new lots that do not require subdivision review. The section U standards include provisions for addressing*

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*stormwater management, phosphorous control, septic system design and construction, and erosion control. The proposed amendments would substantially change those particular provisions.*

*The proposed amendments are technical changes drafted by a consulting engineering firm to align these environmentally oriented provisions with current practices and to scale the regulation to single lot development.*

*The proposed amendment combines storm water management provisions and phosphorous control provisions into one unified standard. The previous storm water provisions prescribed buffers of 25 ft. to 50 ft. as the primary storm water management technique for lots subject to these provisions. The previous phosphorous control provisions required phosphorus calculations to be based on Maine Department of Environmental Protection modeling. The proposed ordinance amendment provides options for smaller projects to 1) follow a point based system that looks at reducing existing erosion problems, minimizing impervious surfaces, and implementing best management practices or 2) provide a stormwater management plan that adheres to published DEP guidelines, with assistance from a licensed professional engineer.*

*The current storm water provisions of Section U apply to any lot that was not approved under subdivision regulations and is not subject to site plan review by the planning board, but is within 600 ft. of a great pond or perennial stream. The current phosphorous control provisions apply to all non-subdivision lots (including those subject to site plan review) if they are within 600 ft. of a pond or stream. The new combined provisions, will not be applicable to most lots created with planning board subdivision review but will apply to any other lot created within 600 ft. a great pond or 100 ft. of a perennial stream.*

*If a lot is subject to these proposed Section U stormwater and phosphorus control standards, and requires a site plan review, then it must meet the criteria set out in the Maine DEP phosphorous control and storm water manuals. Those lots that meet the criteria for minor site plan review, and all single lot residential development, would have the option of using the point system or relying on the DEP manuals with the assistance of a professional engineer.*

*The point system awards points for certain types of management techniques (with those that provide greater storm water treatment receiving higher*

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*points) and deducts points for projects with larger areas of impervious surface or greater areas of disturbed ground cover.*

*Changes to the section on septic systems would require septic tank and disposal fields to meet setback distances from on-site and off-site features in conformance with the state subsurface wastewater disposal rules, rather than in accordance with the prior conflicting town standards. The proposed amendments also require submission of documentation and application materials in conformance with state standards. The proposed amendments would still allow the code enforcement officer to approve variances to setbacks consistent with the state plumbing code but would not allow any such variance from a water body.*

*The erosion control measures of Section U currently are applicable to all non-subdivision lots created within 600 ft. of a great pond or perennial stream, if they are not subject to site plan review. The proposed amendment would eliminate the requirement that the lots must be within 600 ft. of a water body thus subjecting all non-subdivision and non-site plan review lots to this provision. The existing ordinance sets out the details of what must be included in an erosion and sedimentation control plan, whereas the proposed amendment requires that the applicant follow the Maine Erosion Control Best Management practices published by the Maine DEP.*

**ARTICLE 3: Shall Article 9, of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, be further amended by adding the underscored language as shown below?**

***Description:** The proposed amendments would set out stormwater management and phosphorous control standards for all development, construction, alteration or building on lots that are within 600' of a great pond or 100' of a perennial stream. The proposed amendments are technical changes drafted by a consulting engineering firm to align these environmentally oriented provisions with current practices and to scale the regulation to single lot development. The standards are essentially the same as those proposed in Warrant Article 2 above to amend Article 9 section U of the Land Use Ordinance.*

*The proposed ordinance amendment provides options for smaller projects to 1) follow a point based system that looks at reducing existing erosion problems, minimizing impervious surfaces, and implementing best management practices or 2) provide a stormwater management plan that*

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*adheres to published DEP guidelines, with assistance from a licensed professional engineer. The point system awards points for certain types of management techniques (with those that provide greater storm water treatment receiving higher points) and deducts points for projects with larger areas of impervious surface or greater areas of disturbed ground cover.*

*The current storm water provisions of Section U apply to any lot that was not approved under subdivision regulations and is not subject to site plan review by the planning board, but is within 600 ft. of a great pond or perennial stream. The current phosphorous control provisions apply to all non-subdivision lots (including those subject to site plan review) if they are within 600 ft. of a pond or stream.*

*The proposed ordinance amendment would apply to all lots subject to Site Plan and new residential structures and uses if either have not received prior approval by the Planning Board that included a phosphorus export analysis or a stormwater plan. The proposed ordinance amendment would also apply to expansions of existing single family structures and duplexes, new accessory structures associated with single family structures and duplexes, or extensions of more than 150 feet of existing driveways, any of which individually or cumulatively increase the impervious area on the lot by 1,500 square feet or more.*

**ARTICLE 4: Shall Article 10, Sections D and E of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: The proposed amendment would change the submission requirements for site plan review. It would require submission of phosphorus export calculations based on the Maine DEP guide for phosphorous control in lake watersheds, and for projects requiring a Maine DEP storm water permit, would require that a copy of the stormwater management plan be submitted. For minor developments that only require code enforcement officer review, the applicant would be required to submit documentation showing that it has met the phosphorus control "point system" provisions described in section U.5 of Article 9 of the Land Use Ordinance. The proposed amendment also makes a change to the criteria and standards pertaining to surface water drainage and specifically would require that adequate treatment be provided to mitigate potential impacts to receiving wetlands and water bodies.*

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**ARTICLE 5: Shall Article 5, Section 2.2.10, Article 8, Section 10 and Article 9, Sections 6 & 7 of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: The proposed amendments would change the subdivision submission requirements for sewage disposal systems (septic systems) so that each subdivision lot shows a passing test pit, a 125 ft. well exclusion zone, and a sufficient area for well and septic systems. The amendments would also revise the standard for design of the septic system to meet state rules for applications, designs, and setbacks. Generally, this amendment would bring the town rules more in line with the current state rules.*

**ARTICLE 6: Shall Article 5, Section 2.2.17 of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: The proposed amendments would change the subdivision submission requirements for erosion and sedimentation control plans so that the plans are in conformance with standard state requirements rather than the less specific existing town plan requirements. Generally, this amendment would bring the town rules more in line with the state rules and current practices.*

**ARTICLE 7: Shall Article 5, Section 2 and Article 8, Section 15 of the Town of Raymond Subdivision Ordinance, as adopted May 21, 1994 and amended through May 17, 2003, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: The proposed amendments would change the subdivision requirements for storm water quality and phosphorus control. Previously, the requirements treated the two separately. The proposed amendment would address storm water and phosphorus control in a unified manner and recognize and piggyback on the state DEP storm water permit process. They require phosphorus calculations to be based on standard State methodology.*

*For subdivisions that are not required to obtain a state storm water permit, or that only need a storm water permit by rule (PBR), each lot in the subdivision would be required to comply with the single lot standards of*



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*Article 9, Section U.5 of the Land Use Ordinance for storm water and phosphorus control prior to start of any construction. Also all proposed new streets in the subdivision would be required to comply with phosphorus export restrictions.*

**ARTICLE 8: Shall Section 15. J and Section 15. R of the Town of Raymond Shoreland Zoning Provisions, as adopted May 21, 1994 and amended through May 21, 2005, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below?**

*Description: The proposed amendments to the shoreland zoning ordinance would add a requirement for an analysis by a licensed professional engineer of impacts of proposed development to downstream properties and receiving waters located anywhere within the shoreland zone. The amendments also would require that erosion and sedimentation control measures for controlling disturbances within the shoreland zone be developed in accordance with state requirements set out in the Maine DEP guide rather than the existing less specific town standards.*

**ARTICLE 9: Shall the Land Use Map adopted May 16, 1992 as part of the Land Use Ordinance of the Town of Raymond, Maine be superseded and replaced by a new Land Use Regulation Map being that map entitled *Town of Raymond, Maine Official Land Use Map* prepared by New England Planning Concepts and filed in the office of the Town Clerk on \_\_\_\_ \_\_, 2008 [date of warrant] and being that map that does not include Stream Protection (SP) districts?**

*Description: The proposed update to the Land Use Map would convert the old paper map to a digital map, which is more easily updated in the future and which would include the most recent parcel lines. The new Land Use Map would also incorporate changes approved at the 2004 Town Meeting, which rezoned a portion of the old Village Residential 2 (VR2) district to Village Residential (VR) and another portion Rural Residential (RR) and which also eliminated the distinction between VR1 and VR2 so that the portion on the old map that was shown as VR1 is now depicted as VR.*

*The next article also proposes a change to the Land Use Map and, if approved, that change would supersede the changes proposed in this article but would include all of the changes included in this article.*

**ARTICLE 10: Shall Article 2, Section A of the Town of Raymond Land Use Ordinance, as adopted May 21, 1994 and amended through August 7, 2007, and Section 9.A, Section 13, Section 14, Section 15, and Section 17 of the**

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**Town of Raymond Shoreland Zoning Provisions, as adopted May 21, 1994 and amended through May 21, 2005, be further amended by adding the underscored language and deleting the language in strikeover type, as shown below and shall the Land Use Map adopted May 16, 1992 as part of the Land Use Ordinance of the Town of Raymond, Maine be superseded and replaced by a new Land Use Regulation Map being that map entitled *Town of Raymond, Maine Official Land Use Map* prepared by New England Planning Concepts and filed in the office of the Town Clerk on \_\_\_\_\_, 2008 [date of warrant] and being that map that includes Stream Protection (SP) districts?**

*Description: The proposed amendments would establish a Stream Protection District in the Land Use Ordinance and the Shoreland Zoning Ordinance. The proposed Stream Protection District would replace the LRR1 (Limited Residential/ Recreation) Districts currently surrounding streams that are subject to Shoreland Zoning. The proposed revisions to the Land Use Map, in addition to including all the changes proposed by article 9 above and included in the description of article 9, would depict 100 ft. Stream Protection districts around mapped perennial streams and would replace the current 600 ft. Limited Residential Recreational 1 (LRR1) district around those streams. The revised map would also provide the most current information about the location of streams and would identify Resource Protection (RP) districts based on the most current mapping from the state.*

*The Stream Protection District would consist of land areas within 100 feet of the normal high water line of a stream – defined as a perennial free flowing body of water. Land Uses similar to those in the existing Resource Protection District would be permitted in the Stream Protection District. The minimum lot size standards of the underlying zoning district in which the Stream Protection and Resource Protection Districts are located would apply to land within the Stream Protection and Resource Protection Districts.*

***The full text of the current draft ordinance amendments, and a copy of the proposed new Land Use Map, is available at the town office and on the town website.***