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**[HISTORY: Adopted by the Town Meeting of the Town of Raymond 5-21-1994. Amendments noted where applicable.]**

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ARTICLE 1  
**General Provisions**

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.

**§ 300-1.1. Authority.**

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

**§ 300-1.2. Title.**

This chapter 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 chapter shall consist of this document and the accompanying "Raymond Shoreland Zoning Provisions."<sup>2</sup>

**§ 300-1.3. Purpose.**

The purpose of this chapter 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; to prevent and control water pollution; to protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; to 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.

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1. Editor's Note: In addition to the amendments noted below, this chapter was also amended 3-16-1996; 5-17-2003; 6-1-2010; and 6-4-2019.

2. Editor's Note: See Ch. 350, Shoreland Zoning.

**§ 300-1.4. Jurisdiction.**

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

## ARTICLE 2

**Establishment of Districts****§ 300-2.1. Districts.**

- A. To implement the provisions of this chapter, the Town of Raymond is hereby divided into the following districts:
- B. Established districts.
  - (1) Village Residential District (VR).
  - (2) Manufactured Housing Overlay District (MHOD). **[Added 5-21-2005]**
  - (3) Rural District (R).
  - (4) Rural Residential District (RR).
  - (5) Shorelands. This district is hereby divided into the following subdistricts:
    - (a) Resource Protection District (RP).
    - (b) Stream Protection District (SP).
    - (c) Limited Residential - Recreation District I (LRR1).
    - (d) Limited Residential - Recreation District II (LRR2).
  - (6) General Commercial (C).
  - (7) Industrial (I).

**§ 300-2.2. 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 1 of the Land Use Ordinance of the Town of Raymond, Maine, adopted on May 21, 1994."

- A. 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 chapter involving matters portrayed on the Land Use Regulation Map shall become effective after such change and entry has been made on said map.

- B. 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.
- C. Where uncertainty exists as to the boundaries of districts as shown on the Land Use Regulation Map, the following rules shall apply:
- (1) Boundaries indicated as approximately following the center lines of street, highways or alleys shall be construed to follow such center lines;
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
  - (3) 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;
  - (4) 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 Subsection C(3)(a) through (c) above, the Board of Appeals shall interpret the district boundaries;
  - (5) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Appeals shall permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;
  - (6) Shoreland District boundaries that do not follow street lines, platted lot lines or shore lines shall be construed as following a line measuring 600 feet back from the mean high water mark of the waterfront to which they pertain.
- D. 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 Regulation 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.

## ARTICLE 3

**Conformance with Ordinance****§ 300-3.1. Applicability.**

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 chapter, 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.

**§ 300-3.2. Continuation of nonconforming uses.**

- A. The use of land, building or structures existing and lawful at the time of adoption or subsequent amendment of this chapter may continue although such use does not conform to provisions of this chapter. A lawful nonconforming building or use may be repaired, maintained or improved, but the nonconforming use may not be extended or expanded except in conformity with the provisions of this chapter.
- B. Any lawful nonconforming building may be continued and may be expanded by 30% by area or volume within the setback requirements of the size existing at the time of adoption of this chapter, provided that the expansion is attached to the existing structure, does not increase the degree of nonconformity of the structure and that all other setback requirements in the appropriate zone are met. Further reasonable expansion up to an additional 70% of the size existing at the time of adoption of this chapter 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 feet above its original elevation. The Board of Appeals shall either grant or deny such applications, treating them as requests for variances and, in addition, applying the requirements of Article 9, § 300-9.1. **[Amended 5-19-1990]**
- C. Any lawful nonconforming use, except lawful, nonconforming residential uses in the Industrial and Commercial Zones, may be expanded by 30% of the size existing at the time of adoption of this chapter, provided that an increase in the number of nonconforming uses does not result. This subsection allows the increase in size of the structure serving the nonconforming use but is not intended to permit the addition of nonconforming uses which were not in existence at the time this chapter became effective. The expansion of an otherwise conforming building to accommodate the expansion of a nonconforming use must conform to the requirements of Subsection B above. Further reasonable expansion up to an additional 70% of the size existing at the time of adoption of this chapter 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 feet above its original elevation. The Board of Appeals shall either grant or deny such applications, treating them as requests for variances and, in addition, applying the requirements of Article 9, § 300-9.1. **[Amended 5-19-1990]**



- D. Any expansion of a nonconforming 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.

**§ 300-3.3. Discontinuation of nonconforming uses.**

A lawful nonconforming 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 chapter.

- A. Change of a nonconforming use. Whenever a nonconforming 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 chapter and the nonconforming use or similar uses subject to the provisions of this chapter and the nonconforming use may not thereafter be resumed. A nonconforming 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 nonconforming by the adoption or amendment of this chapter may be transferred and the new owner may continue the nonconforming use or similar uses subject to the provisions of this chapter.

**§ 300-3.4. Nonconforming 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 chapter, 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 chapter shall be met.
- B. If two or more contiguous lots or parcels are in single ownership of record at the time of adoption or amendment of this chapter and if all or part of the lots do not meet the dimensional and area requirements of this chapter, the lands involved shall be considered to be a single parcel for the purpose of this chapter and no portion of said parcel shall be built upon or sold which does not meet dimensional and area requirements of this chapter; nor shall any division of the parcel be made which creates any dimension or area below the requirements of this chapter. Two 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 chapter are exempt from this section and may be divided, provided each lot is a minimum of 20,000 square feet in size.
- C. Two 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 chapter may be divided, provided that the division creates only two resulting lots, and that the two 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 100 feet of frontage. No structure that requires a variance from the setback requirements of this chapter shall be erected on the

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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 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 resulting lots shall be combined into a single lot.

- D. Notwithstanding any other provisions of this article, any vacant lot of record as of December 30, 1986, containing at least 60,000 square feet and having 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.

**§ 300-3.5. Restoration of unsafe or damaged property.**

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

**§ 300-3.6. Pending applications for building permits; construction in process.**

Nothing in this chapter 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 months after issuance of such permit or upon which substantial construction has commenced prior to the adoption or amendment of this chapter.

ARTICLE 4

**District Regulations**

**§ 300-4.1. Village Residential District (VR). [Amended 5-21-2005]**

- A. 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.
- B. Permitted uses.
- (1) One-family dwellings, to include modular homes (Type 2 manufactured homes). **[Amended 5-21-2005]**
  - (2) Duplexes. **[Added 5-21-2005]**
  - (3) Multifamily dwellings.
  - (4) Schools.
  - (5) Churches.

- (6) Public buildings and facilities.
  - (7) Agriculture, except commercial poultry and piggery operations.
  - (8) Accessory uses and buildings.
  - (9) Professional buildings.
  - (10) Nursing homes.
  - (11) Boarding homes.
  - (12) Bed-and-breakfast inns not to exceed five rentable rooms.
  - (13) Elderly housing. [**Added 5-21-2005**]
  - (14) Timber harvesting, (Permits must be acquired through the Maine Department of Conservation.) [**Added 7-14-2021**]
  - (15) Solar energy systems. [**Added 6-14-2022**]
- C. Conditional uses.
- (1) General stores and neighborhood grocery stores not to exceed 1,000 square feet of retail space, including storage.
  - (2) Public utilities and communications facilities.
  - (3) Antique shops.
  - (4) Home occupations that conform to the requirements of Article 9, § 300-9.2. A home occupation which conforms to § 300-9.2, and which is specifically permitted by Article 12 of this chapter, shall be considered a permitted use.
- D. Space and bulk regulations. The following space and bulk regulations are minimum requirements:
- (1) The minimum lot area shall be 40,000 square feet. [**Amended 5-21-2005**]
  - (2) Minimum lot area per dwelling unit. [**Amended 5-21-2005; 7-14-2021**]
    - (a) One-family dwelling or modular home: 40,000 square feet per unit.
    - (b) For a structure with more than one dwelling unit (duplex and multifamily), the first two units will each require 20,000 square feet per unit on the lot, and then for each additional unit will require 15,000 square feet per unit on the lot.
  - (3) The minimum lot frontage shall be 100 feet. [**Amended 5-21-2005**]
  - (4) Setbacks.
    - (a) The minimum building setbacks shall be as follows:
      - [1] Front: 25 feet.
      - [2] Side: 10 feet [**Amended 5-21-2005**]

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[3] Rear: 20 feet.

(b) 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. **[Amended 8-7-2007]**

(5) The maximum building height shall be 2.5 stories, except for barns.

- E. Off-street parking. For each of the principal and conditional uses permitted, off-street parking shall be provided in accordance with Article 9, § 300-9.3.
- F. Signs. Signs shall be permitted in accordance with the provisions of Article 9, § 300-9.12.
- G. Wireless communications facilities, subject to the standards contained herein.<sup>3</sup>
- H. Multifamily dwellings. Multifamily dwellings shall also meet the standards of Article 9, § 300-9.23. **[Added 5-21-2005]**

**§ 300-4.2. Mobile Home Park Overlay District (MHOD). [Added 5-21-2005]**

- A. Intent: to allow mobile home parks to be developed in a number of environmentally suitable locations within the Town.
- B. 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.
- C. Permitted uses.
  - (1) Type 1 manufactured housing units in mobile home parks.
  - (2) Uses allowed in the underlying zoning district.
- D. Space and bulk requirements. Mobile home parks shall meet the standards in Article 9, § 300-9.11B, Mobile home parks.

**§ 300-4.3. Rural District (R).**

- A. Intent. The Town of Raymond has historically been a rural Town. It is the intent of this section to protect and preserve appropriate areas of Town from urban sprawl by designating uses and standards that are appropriate to a rural character.
- B. Permitted uses.
  - (1) One-family dwellings, to include modular manufactured homes (Type 1 and Type 2 manufactured homes).
  - (2) Churches.

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<sup>3</sup> Editor's Note: See Art. 9, § 300-9.19.

- (3) Public buildings and facilities.
  - (4) Agriculture, including commercial poultry and piggery operations that conform to Article 9 of this chapter.
  - (5) Accessory uses and buildings.
  - (6) Home occupations that conform to the requirements of Article 9, § 300-9.2. A home occupation which conforms to § 300-9.2 and which is specifically permitted by Article 12 of this chapter shall be considered a permitted use.
  - (7) Bed-and-breakfast inns not to exceed five rental rooms and not to serve alcohol.
  - (8) Boarding homes not to exceed five rentable rooms, excluding family living space.
  - (9) Public utility and communications facilities.
  - (10) Mobile/Manufactured homes 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 sited so that the longest structural dimension is not more than 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. **[Added 7-14-2021]**
  - (11) Timber harvesting. (Permits must be acquired through the Maine Department of Conservation.) **[Added 7-14-2021]**
  - (12) Solar energy systems. **[Added 6-14-2022]**
- C. Conditional uses.
- (1) Cemeteries.
  - (2) Mineral extraction that conforms to Article 9, § 300-9.5, of this chapter.
  - (3) Public and quasi-public recreation buildings and facilities.
  - (4) Neighborhood grocery stores not to exceed 1,000 square feet of retail space, including storage.
  - (5) Contractors, not having more than five 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. **[Added 5-21-1988]**
- D. Space and bulk regulations. The following space and bulk regulations are minimum requirements, subject to modification under Article 8, § 300-8.2: **[Added 5-16-1987]**
- (1) The minimum lot area shall be three acres.
  - (2) The minimum lot frontage shall be 225 feet.
  - (3) The minimum building setbacks shall be as follows:
    - (a) Front: 40 feet.

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- (b) Side: 20 feet.
- (c) Rear: 20 feet.
- (4) The maximum building height shall be 2.5 stories, except for barns and poultry houses.
- E. Off-street parking. For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, § 300-9.3.
- F. Signs. Signs shall be permitted in accordance with the provisions of Article 9, § 300-9.12.
- G. Wireless communications facilities, subject to the standards contained herein.<sup>4</sup>

**§ 300-4.4. Rural Residential District (RR).**

- A. 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 section to allow these uses while maintaining the basic rural orientation of the community.
- B. Permitted uses.
  - (1) One-family dwellings, to include manufactured homes (Type 1 and Type 2 manufactured homes).
  - (2) Churches.
  - (3) Schools.
  - (4) Public buildings and facilities.
  - (5) Agriculture, excluding commercial poultry and piggery operations.
  - (6) Accessory uses and buildings.
  - (7) Home occupations that conform to the requirements of Article 9, § 300-9.2. A home occupation which conforms to § 300-9.2 and which is specifically permitted by Article 12 of this chapter shall be considered a permitted use.
  - (8) Bed-and-breakfast inns not to exceed five rentable rooms and not to serve alcohol.
  - (9) Boarding homes not to exceed five rentable rooms, excluding family living space.
  - (10) Public utility and communications facilities.
  - (11) Timber harvesting. (Permits must be acquired through the Maine Department of Conservation.) **[Added 7-14-2021]**
  - (12) Solar energy systems. **[Added 6-14-2022]**

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<sup>4</sup> Editor's Note: See Art. 9, § 300-9.19.

## C. Conditional uses.

- (1) Nursing homes.
- (2) Neighborhood grocery stores not to exceed 1,000 square feet of retail space, including storage.
- (3) Cemeteries.
- (4) Funeral parlors.
- (5) Medical arts buildings.
- (6) Mineral extraction that conforms to Article 9, § 300-9.5, of this chapter.
- (7) Public and quasi-public recreation buildings and facilities.
- (8) Contractors, not having more than five 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. **[Added 5-21-1988]**

## D. Space and bulk regulations. The following space and bulk regulations are minimum requirements, subject to modification under Article 13, § 300-13.2:

- (1) The minimum lot area shall be two acres.
- (2) The minimum lot frontage shall be 225 feet.
- (3) The minimum building setbacks shall be as follows:
  - (a) Front: 30 feet.
  - (b) Side: 20 feet.
  - (c) Rear: 20 feet.
- (4) The maximum building height shall be 2.5 stories, except for barns.

## E. Off-street parking. For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, § 300-9.3.

## F. Signs. Signs shall be permitted in accordance with the provisions of Article 9, § 300-9.12.

**§ 300-4.5. Shoreland District.**

A description of the Shoreland Districts and shoreland zoning provisions related to these districts are located in Chapter 350, Shoreland Zoning.

**§ 300-4.6. Commercial District (C).**

## A. Intent. The Commercial District is intended to serve as the downtown of Raymond and to provide general retail, wholesale, service and business facilities in an area convenient

to the residents of the Town. This district should efficiently utilize space and resources and provide for connectivity among and between businesses in a manner that looks and functions as a linear village with lively year-round business and inviting and safe pedestrian spaces and walkways. Route 302, the roadway through this commercial village, is intended to function as a transportation corridor that moves traffic safely and efficiently through the region while also serving as a safe and easy-to-navigate local link between the various sections of the commercial village. Site design, landscaping, screening, building placement and building design in this district should result in a visually pleasing and cohesive village-like atmosphere. Toward the achievement of these purposes, the following minimum standards are established. **[Amended 6-2-2009]**

B. Permitted uses.

- (1) Retail businesses and service establishments, including warehousing and wholesale distribution related thereto;
- (2) Recreational facilities such as racquetball or tennis centers, but excluding amusement parks as defined herein;
- (3) Auto repair facilities, excluding auto body repair;
- (4) Business and professional offices;
- (5) Restaurants and drive-in stands;
- (6) Hotels, motels and inns;
- (7) Mixed-use buildings, provided the lower floor contains only commercial uses. The upper floors may contain dwelling units or commercial uses. As used in this subparagraph (h), the term "commercial uses" means any of the uses listed in subparagraphs (a) through (f) above. **[Amended 6-2-2009; 7-14-2021]**
- (8) Solar energy systems. **[Added 6-14-2022]**

C. Conditional uses: **[Amended 6-14-2022]**

- (1) Outdoor sales and service.
- (2) Outdoor storage.

D. Space and bulk regulations. The following space and bulk regulations are established as minimum standards for mixed-use and commercial buildings: **[Amended 6-2-2009]**

- (1) There shall be no minimum lot area, except that the lot shall meet the provisions of 12 M.R.S.A. Chapter 423-A, Minimum Lot Size. **[Amended 6-2-2009]**
- (2) There shall be no minimum street frontage.
- (3) There shall be no minimum front yard setback. If the lot is a corner lot, the street most heavily traveled shall be considered the street upon which the lot fronts. There shall be no side street setback. **[Amended 6-3-2014]**
- (4) Where a lot in this district abuts a residential district, the commercial use shall provide and maintain a twenty-five-foot landscaped buffer strip and visual screening from the abutting residential district boundary. Existing commercial



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uses shall meet this requirement by June 1, 1990. New commercial uses shall meet this requirement within nine months for the first commercial use of the lot. **[Added 5-21-1988]**

- (5) There shall be no minimum side yard setback.
  - (6) There shall be no minimum rear yard setback.
  - (7) The maximum building height shall be 2.5 stories, except that the maximum building height shall be three stories for buildings which are located on the eastern side of Route 302.
- E. Off-street parking. For each of the principal and secondary uses permitted, off-street parking shall be provided in accordance with Article 9, § 300-9.3.
  - F. Signs. Signs shall be permitted in accordance with the provisions of Article 9, § 300-9.12.

**§ 300-4.7. Industrial District (I).**

- A. Purpose: to provide for the creation of appropriate districts within the Town of Raymond for industrial facilities, in accordance with the following requirements.
- B. Permitted uses.
  - (1) Any industrial structure or use, as defined in this chapter, which meets all of the following criteria:
    - (a) Primary aspects of the industrial process are carried on within the structure;
    - (b) The noise level of the industrial process does not exceed 50 decibels at any property line; and
    - (c) There are no land, water or air waste discharges or emissions other than sanitary facilities, which meet the requirements of the state's wastewater disposal rules.
  - (2) Warehousing; **[Amended 6-14-2022]**
  - (3) Distribution and transportation;
  - (4) Research laboratories;
  - (5) Retail facilities and services accessory to principal uses.
  - (6) Solar energy systems. **[Added 6-14-2022]**
  - (7) Outdoor storage. **[Added 6-14-2022]**
- C. Conditional uses.
  - (1) Automobile graveyards, automobile recycling businesses and junkyards conforming with 30-A M.R.S.A. §§ 3751 through 3760, and all state or local regulations;

- (2) Public utility facilities.
- D. 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 4, § 300-4.7, that the proposed industrial use and its location satisfy the requirements 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.
- (1) The proposed use will not result in undue water, noise or air pollution.
  - (2) 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.
  - (3) 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.
  - (4) 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.
  - (5) The proposed location and use meets all of the requirements and procedures for site plan review set forth in Article 10 of this chapter.
- E. Procedure for creation. The creation of any Industrial District shall be in accordance with the following procedure:
- (1) Application for the creation of an Industrial District shall be made to the Planning Board. The Planning Board shall hold a public hearing thereon and 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 two times in a newspaper that complies with 1 M.R.S.A. § 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 second publication must be at least seven days before the hearing. That notice must be written in plain English, understandable by the average citizen.
  - (2) 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. **[Amended 8-7-2007]**

- (3) Within 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 Subsection D above.
  - (4) A Town Meeting shall be held not less than 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 2/3 vote.
  - (5) 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 2, § 300-2.2A, to show such district.
- F. 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 9 of this chapter shall be applicable, unless the Planning Board recommends more restrictive or additional requirements in order to assure compliance with the conditions set forth in Subsection D above.
- G. 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 therefor to the Planning Board and the Planning Board shall find that the proposed change is consistent with the provisions and requirements of this Article 4, § 300-4.7, with such reasonable conditions as the Planning Board may impose in order to assure compliance with the requirements set forth in Subsection D above. Consistent with this requirement, the Planning Board may permit a change in use to any principal use permitted in the Commercial District, except one-family dwellings.
- H. Where a lot in this district abuts a residential district, the industrial/commercial use shall provide and maintain a fifty-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 months of the first industrial/commercial use of the lot. **[Added 5-21-1988]**

## ARTICLE 5 Administration

### § 300-5.1. Administration and enforcement officials; right of entry. **[Added 6-5-2012]**

The provisions of this chapter 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 chapter. The Code Enforcement Officer of the Town of Raymond shall serve as the Building Official as defined in 25 M.R.S.A. § 2351<sup>5</sup> and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer shall be responsible for inspecting all permitted construction for compliance with all components of MUBEC, as such components may be revised from time to time by the Technical Building Codes and Standards Board.

**§ 300-5.2. Building permit required. [Added 5-21-1998; amended 6-5-2012]**

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 chapter. The provisions of this chapter 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 8, § 300-8.4. The Town of Raymond applies and enforces the Maine Uniform Building and Energy Code ("MUBEC"), as required by 10 M.R.S.A. § 9724. Administration and enforcement of MUBEC, including fees, permits, certificates of occupancy, violations, penalties and appeals, shall be in accordance with this chapter and pursuant to 30-A M.R.S.A. § 4452.

**§ 300-5.3. 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, 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 chapter, 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.

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5. Editor's Note: 25 M.R.S.A. § 2351 was repealed by Laws 2009, c. 261, § B-1, effective 12-1-2010; see now 25 M.R.S.A. § 2351-A, Building official; compensation; deputy.

**§ 300-5.4. 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 chapter. Approval shall be granted only if the proposed use is in conformance with the provisions of this chapter.

- A. No building permit shall be issued until the Road Commissioner or the Maine Department of Transportation has issued a driveway permit. **[Added 5-20-1989]**
- B. A building permit issued under the provisions of this chapter shall become void if work has not commenced within 12 months of the date of approval and shall expire two years from the date of issue. A building permit may be renewed once for a one-year period upon submission of an application and payment of the prescribed fee. All codes, ordinances and statutes in effect at the time of the renewal application must be complied with before said permit is issued. **[Added 6-5-2012]**
- C. A fee for each plan examination, building permit and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen. Each building permit application shall indicate what fee was charged. All fees shall be collected by the Town Clerk of the Town of Raymond. **[Added 6-5-2012]**
- D. In the case of a revocation of a permit or abandonment or discontinuance of a building project, any permit fees already paid shall be nonrefundable. **[Added 6-5-2012]**
- E. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as prescribed by this chapter and pursuant to 30-A M.R.S.A. § 4452.<sup>6</sup> **[Added 6-5-2012]**

**§ 300-5.5. 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 pursuant to the requirements in the Maine Uniform Building and Energy Code. 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 chapter and any conditions imposed under this chapter. The Building Inspector may issue a temporary use permit, valid for periods not exceeding six months, during erection, alteration, repair or enlargement of a building or structure. A fee for each plan examination, certificate of occupancy and inspection shall be paid in accordance with the Schedule of Fees as approved by the Board of Selectmen.

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6. Editor's Note: Original Art. 5, Sec. E, Residential Growth Management, adopted 8-20-2006, which immediately followed this section, was repealed 6-3-2014.

**§ 300-5.6. One principal building per lot.**

Except for open space subdivisions as provided in Article 13, there shall be no more than one principal building and its accessory buildings erected on any one site. Garages are considered accessory buildings.

**§ 300-5.7. Nuisances.**

- A. Any violation of this chapter shall be deemed to be a nuisance.
- B. 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.
- C. 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 3-17-2001]**
- D. 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.

**§ 300-5.8. Code Enforcement Officer.**

If the Code Enforcement Officer shall find that any provision of this chapter 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.

**§ 300-5.9. 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 chapter in the name of the municipality.

**§ 300-5.10. Fines. [Amended 7-14-2021]**

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates provisions or requirements of this chapter shall be penalized in accordance with 30-A M.R.S.A. § 4452.

**§ 300-5.11. Floodplain 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:

- A. 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;
- B. 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
- C. 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.

**§ 300-5.12. 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

**Board of Appeals****§ 300-6.1. Appointment and composition.**

The Board of Appeals shall consist of five members and one 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-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 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 its membership 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:

- A. A municipal officer or their spouse shall not be a member of the Board;

§ 300-6.1 RAYMOND LAND USE AND SHORELAND ZONING § 300-6.2

- B. 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;
- C. A member of the Board may be dismissed for cause by the municipal officers before the expiration of his term.

**§ 300-6.2. Powers and duties.**

- A. The Board of Appeals shall have the following authority:
  - (1) Subject to the provisions of this chapter, to hear and decide appeals, on a de novo basis, from orders, decisions, determinations or interpretations made by the Code Enforcement Officer or the Building Inspector. **[Amended 8-7-2007; 6-7-2016]**
  - (2) Subject to the provisions of this chapter, 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 nonconforming uses, structures and lots as described in Subsection A(4) below. Except as provided in Subsection A(3) below, a variance can only be granted where undue hardship is proven. "Undue hardship" is defined to mean: **[Amended 6-14-2022]**
    - (a) That the land in question cannot yield a reasonable return unless the variance is granted;
    - (b) 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;
    - (c) That the granting of a variance will not change the essential character of the locality;
    - (d) That the hardship is not the result of action taken by the applicant or a prior owner;
    - (e) Permitted variances run with the land and thus pass from one owner of a property to the next.
  - (3) To grant a setback variance for a single-family dwelling only when strict application of the Land Use Ordinance to the applicant and the applicant's property would cause undue hardship.
    - (a) The term "undue hardship" as used in this subsection means: **[Amended 6-7-2016]**
      - [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] The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- (b) 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 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. **[Added 5-15-1993]**
- (4) To hear and grant or deny applications for conditional use permits as specified within this chapter. 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 chapter. Conditional use permits run with the land and thus pass from one owner of a property to the next.
  - (5) To vary the provisions of nonconforming lots, nonconforming structures and nonconforming uses of structures and nonconforming uses of land, but only in accordance with the provisions specified in Article 3 of this chapter.
  - (6) The Board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to Superior Court. **[Amended 6-7-2016]**
- B. In hearing appeals under this section, the Board of Appeals shall require that attention be given to the following, wherever applicable:
- (1) Location, character and natural features;
  - (2) Fencing and screening;
  - (3) Landscaping, topography and natural drainage;
  - (4) Vehicular access, circulation and parking;
  - (5) Pedestrian circulation;
  - (6) Signs and lighting;
  - (7) All factors which affect health, welfare and safety;
  - (8) Such conditions as it deems necessary in furtherance of the intent and purpose of this chapter.
- C. Appeals from decisions under the shoreland zoning provisions and variances from the shoreland zoning provisions are governed by the appeals and variance procedures

contained in the shoreland zoning provisions and are not governed by Article 6 of this chapter.<sup>7</sup>

**§ 300-6.3. Appeals procedure.**

- A. The Board of Appeals shall meet as needed and as routinely scheduled following the schedules and deadlines and as established by the Board of Appeals annually prior to the effective calendar year. A quorum of the Board is necessary to conduct an official Board meeting and shall consist of at least three members. A majority vote of the quorum is required for the passage or denial of any appeal. **[Amended 7-14-2021]**
- B. 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 therefor, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof. Notice of all decisions shall be mailed or hand-delivered to the applicant, or his or her representative or agent. **[Amended 7-14-2021]**
- C. When the Board of Appeals reviews a decision of the Code Enforcement Officer, the Board of Appeals shall hold a "de novo" hearing. At that time, the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. **[Amended 6-7-2016; 7-14-2021]**
- D. For all appeals, the Board shall hold a public hearing as prescribed herein. At least seven 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 days prior to the hearing. 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.
- E. 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 use 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 30 days of the date of the decision.
  - (1) Application materials submitted to the Board must include a completed application form, including a location and site plan if appropriate, and the following fees: **[Amended 6-3-2014]**

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7. Editor's Note: See Ch. 350, Shoreland Zoning.

- (a) Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.
  - (b) Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the appeal, variance or conditional use permit application as deemed necessary by the Town. Said fees for professional reviews and advice shall include, but shall not be limited to, engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees. The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than 50% of the escrow account prior to completing its review, the applicant shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the applicant and not spent by the Town in the course of its review shall be returned to the applicant within 60 days after the Appeals Board renders its final decision on the application.
- (2) All application materials must be submitted for the Board's review at least 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.
  - (3) Written notice of the decision of the Board shall be sent to the appellant within 16 days of the date of the decision. Any aggrieved party may appeal from the decision of the Board to the Superior Court within 45 days of the date of the vote on the original decision. **[Amended 6-7-2016]**
- F. The Board of Appeals may reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. **[Amended 6-7-2016; 7-14-2021]**
  - G. 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 year has 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. **[Amended 6-7-2016]**
  - H. The right of any variance from the terms of this chapter granted by the Board of Appeals shall expire if the work or change permitted under the variance is not begun within six months or substantially completed within one year as 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 5-18-1991]**

- I. A certificate of variance or setback reduction must be recorded at the expense of the applicant in the Cumberland County Registry of Deeds within 90 days of the Board's decision or the variance shall be null and void. A building permit must be obtained after the variance is properly recorded and before work is started. **[Added 7-14-2021]**

**§ 300-6.4. (Reserved)\***

**§ 300-6.5. 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.

ARTICLE 7  
**Amendments**

**§ 300-7.1. Authority.**

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

**§ 300-7.2. 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.

**§ 300-7.3. Procedure.**

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

- A. Proposed amendments shall be submitted to the Planning Board for its consideration. The Planning Board shall hold a public hearing and 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 two times in a newspaper that complies with 1 M.R.S.A. § 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 second publication must be at least seven 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

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8. Editor's Note: Original Article 6(D), Reductions from Minimum Setbacks, as amended 3-18-2000 and 5-21-2005, was repealed 6-14-2022.

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. **[Amended 8-7-2007]**

- B. 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.
- C. A Town Meeting shall be held not less than 15 days after the date of the public hearing. If the Planning Board recommends that such amendment(s) not be enacted, the Town Meeting may adopt the same only by a favorable 2/3 vote. **[Amended 8-7-2007]**

**§ 300-7.4. Conditional rezoning.**

- A. Pursuant to 30-A M.R.S.A. § 4352(8), a conditional rezoning may be approved using the procedure described in § 300-7.3 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.
- B. 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;

- § 300-7.4 RAYMOND LAND USE AND SHORELAND ZONING § 300-8.1
- (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:
    - [1] Provisions that violation of any conditions shall constitute a violation of this chapter.
    - [2] 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.
    - [3] 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 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.
    - [4] 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.
- C. 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 this chapter. **[Added 3-18-2000]**

ARTICLE 8  
**Modifications**

**§ 300-8.1. Net residential area calculation.**

- A. The net residential 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;
  - (2) Portions of the parcel containing slopes over 35%;
  - (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 water bodies.
- B. 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. **[Added 9-26-1987; amended 8-7-2007]**

**§ 300-8.2. Net residential density calculation.**

- A. 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. **[Amended 8-7-2007]**
- B. Notwithstanding the above, if a lot, or a portion of a lot, was a lot of record prior to June 1, 2010, and as such that lot, or a portion of that lot, was rezoned from Limited Residential/Recreation District (LRR1) to Rural District (R), it shall be determined that the landowner(s) of record prior to June 1, 2010, shall maintain the lot area standards set forth in the LRR1 District as they existed prior to June 1, 2010, so long as the owner retains or divides the lot under the allowed subdivision exemptions standards as defined under 30-A M.R.S.A. § 4401. A decision regarding whether the land was located within the LRR1 District prior to the June 1, 2010, amendment may be determined by the Code Enforcement Officer. **[Amended 6-4-2013]**
- C. If there is a discrepancy regarding the zone boundary, or the existence of the lot prior to June 1, 2010, by the CEO, the CEO may request a plan prepared by a licensed surveyor that demonstrates that the land in question was within the LRR1 District prior to being rezoned on June 1, 2010.
- D. At a minimum, the survey plan shall include:
  - (1) All streams, as defined in the Raymond Shoreland Ordinance;<sup>9</sup> and
  - (2) All land areas within 10 feet, horizontal distance, of the normal high-water line of a stream.
- E. Any further transference or creation of lots on the affected lots, meeting the definition of subdivision after June 1, 2010, must meet all the minimum standards of the Rural District. **[Amended 6-4-2013]**

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9. Editor's Note: See Ch. 350, Shoreland Zoning.

**§ 300-8.3. Waivers.**

Unless otherwise specifically indicated, the Planning Board may grant waivers from the performance standards contained in Article 9, §§ 300-9.3, 300-9.4, 300-9.10, 300-9.12, 300-9.20 and 300-9.24, Article 10 and Article 13. In granting any waivers, the Planning Board shall make findings that:

- A. 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;
- B. The application of the standards is not requisite to public health, safety and general welfare;
- C. The waiver would not qualify for relief granted by the Board of Appeals under Article 3 or Article 6;
- D. The granting of the waiver in other situations would not have the effect of amending the ordinance requirements; and
- E. Appropriate conditions are applied. **[Amended 8-7-2007]**

**§ 300-8.4. Seasonal dwelling conversions.**

- A. 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 30 M.R.S.A. § 3223, 3 and 4.<sup>10</sup> 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 chapter for the construction of a new, permanent dwelling in that location in effect at the time application for such building permit is made.
- B. No dwelling or structure shall be converted from seasonal to year-round use that is located within 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 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 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. **[Added 5-20-1989]**

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10. Editor's Note: 30 M.R.S.A. § 3223 was repealed by Laws 1987, c. 612, § 10.



- C. No expansion (including decks) for seasonal conversion shall be granted which reduces the required water setbacks of this chapter; nor shall any seasonal conversion be granted if an 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. **[Added 5-20-1989]**

## ARTICLE 9

**Minimum Standards****§ 300-9.1. 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 chapter. 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:

- A. Will not depart from the general purpose and intent of this chapter, nor from the Town's Comprehensive Plan;
- B. 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;
- C. Will not generate noise, vibrations, fumes, odors, dust or glare which is detectable at the lot boundaries, and all aspects of the conditional use will be carried on within the structure. Outdoor sales and service may take place outside of a structure as long as all other applicable sections of this chapter can be met, and the use does not generate noise, vibrations, fumes, odors, dust or glare which are detectable at the lot boundaries; **[Amended 6-14-2022]**
- D. 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;
- E. 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;
- F. Will not deny light and air to surrounding properties;
- G. Will not depreciate the economic value of surrounding properties;
- H. Will have sufficient potable water available for its needs;
- I. 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;
- J. 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. All conditional use

applications shall be reviewed and approved by the Fire Rescue Department for compliance with all applicable fire and life safety codes and ordinances. **[Amended 6-14-2022]**

**§ 300-9.2. Home occupations.**

- A. The home occupation shall be carried on wholly within the dwelling or accessory structure.
- B. 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 persons who are not family members residing in the dwelling unit shall be employed.
- C. There shall be no exterior display, no exterior sign except as expressly permitted by district regulations of this chapter, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- D. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or activity at unreasonable hours shall not be permitted.
- E. 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.
- F. The home occupation shall not utilize more than 20% of the total floor area of the dwelling unit. The basement floor area shall be excluded in the calculation of the 20%.

**§ 300-9.3. Off-street parking.**

- A. 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, in accordance with the following parking requirements. **[Amended 6-2-2009]**
  - (1) Two spaces per dwelling unit.
  - (2) One space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
  - (3) One space for each tent or recreational vehicle site in a campground.
  - (4) One space for each two beds in a hospital or sanitarium.
  - (5) One space for each four beds in other institutions devoted to the board, care or treatment of persons.
  - (6) One space for each 200 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 space for each 250 square feet or fraction thereof if an amount of land area equivalent to the difference between the

200-square-foot requirement and the 250-square-foot requirement is developed in landscaped green area and reserved for future parking. **[Amended 6-2-2009]**

- (7) One space for each three seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage, and for theaters, auditoriums and other places of amusement or assembly.
  - (8) One space for each 1.2 employees based on the highest expected average occupancy for all types of commercial, industrial or other permitted uses. **[Amended 6-2-2009]**
  - (9) For any structure or use not specifically enumerated above, the reviewing authority shall determine the number of off-street parking spaces required to accommodate customers, patrons and employees based on a parking analysis submitted by the applicant. **[Amended 6-2-2009]**
- B. Where several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses. **[Added 6-2-2009]**
  - C. The parking requirement may be met on site or off site so long as it is within 300 feet of the principal building, structure or use of the premises and is not separated by Route 302 (Roosevelt Trail). Off-site parking shall be permissible, provided evidence of the legal right to use the parking spaces for the duration of the use is submitted and that the sharing of the spaces will not create a shortage of parking spaces for any uses. Such shared parking arrangements shall consider the typical hours of operation of the uses, seasonal fluctuations, the amount of parking needed for customers versus employees and any other relevant factors for calculating the amount of parking needed. **[Added 6-2-2009]**
  - D. In all districts, the reviewing authority may allow a reduction in the number of spaces actually constructed, provided the required number of spaces could be constructed on the property while meeting all other space requirements of that district and all applicable standards, including but not limited to stormwater quality and phosphorous control. The applicant must demonstrate that the additional spaces are not necessary, and the reviewing authority shall attach a condition of approval stating that the reviewing authority may require that the spaces be constructed if additional parking is needed to correct a parking problem on the site. **[Added 6-2-2009]**
  - E. The minimum width of a parking space shall be nine feet. The minimum length of a parking space shall be 18 feet. Aisle widths shall comply with those outlined in Article 10, § 300-10.6, Performance standards. **[Added 6-2-2009, amended 6-3-2014]**
  - F. No off-street parking facility shall have more than two entrances and exits on the same street, and no entrance or exit shall exceed 30 feet in width. Nonresidential parking areas with more than two parking spaces shall be so arranged that vehicles can maneuver within such areas and exit onto the street in a forward motion.
  - G. All independent parking facilities shall meet the requirements of Article 10, § 300-10.6, Performance standards. The Planning Board shall not consider any waivers when reviewing an independent parking facility. **[Added 6-3-2014]**

H. The reviewing authority may require a peer review of the parking analysis. **[Added 6-2-2009]**

**§ 300-9.4. Off-street loading.**

A. 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:

- (1) Office buildings and hotels with a gross floor area of more than 10,000 square feet but less than 40,000 square feet: one bay.
- (2) Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet in accordance with the table below:

Gross Floor Area (square feet)	Number of Bays Required
5,000 to 40,000	1
40,000 to 100,000	2
100,000 to 160,000	3
160,000 to 240,000	4
240,000 to 320,000	5
320,000 to 400,000	6

(3) An additional bay shall be required for each additional 90,000 square feet over 400,000 square feet.

B. Dimensions. Each loading bay shall have minimum dimensions of 50 feet by 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.

C. Requirements for additional bays and alterations or modifications. Any additional loading bays which are provided in excess of the requirements of this chapter or any loading bay otherwise established shall meet the requirements of Subsection B 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 subsection are met.

**§ 300-9.5. Mineral extraction.**

A. Topsoil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this chapter only after a conditional use permit for such operations has been issued by the Board of Appeals in accordance with the

provisions of this chapter, and provided that plans for the following provisions shall be specifically illustrated in the application for the conditional use.

- (1) 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 foot vertical to two feet horizontal.
  - (2) The operation is shielded from surrounding property with adequate screening and creates no disturbance of a water source.
  - (3) No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level.
  - (4) Sufficient topsoil or loam shall be retained to cover all areas with a three-inch layer so that they may be seeded and a vegetative cover may be restored. The applicant shall provide such seeding and restoration.
  - (5) There is at least 75 feet between the edge of the digging or quarrying activities and the property lines.
  - (6) Dust or other air pollutants are kept to a minimum by appropriate landscaping, paving, oiling or fencing.
  - (7) Appropriate fencing or landscaping is provided to screen the site of digging operations from any public right-of-way and from any dwelling within 250 feet of the property lines of the excavation site.
- B. 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.
- C. 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.
- (1) Fencing, landscaped buffer strips, public safety.
  - (2) Advertising signs, lighting.
  - (3) Parking space, loading and unloading areas.
  - (4) Entrances and exits.
  - (5) Time period for operation.
  - (6) Hours of operation.
  - (7) Methods of operation.
  - (8) Weight and loading limit of trucks.
  - (9) Sand and gravel spillage upon public streets.
  - (10) Rehabilitation proposals.

**§ 300-9.6. Waste material accumulation. [Amended 7-14-2021]**

Junkyards, as defined in 30-A M.R.S.A. § 3752, shall not be made or maintained in any district except at a dumping place or places designated as such by the Board of Selectmen.

**§ 300-9.7. Hotels, motels, inns, boardinghouses, 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 chapter, the following regulations and minimum standards shall apply:

- A. All setback, frontage and height requirements of the district shall be met.
- B. 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 9, § 300-9.8, of this chapter.

**§ 300-9.8. Subsurface sewage disposal systems.**

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

- A. The design, construction and operation 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 Plumbing Inspector.
- B. Subsurface sewage disposal systems shall be located in those soils that the U.S. Department of Agriculture, Natural Resources Conservation Service, has identified as being suited to subsurface sewage disposal systems.
- C. 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.
- D. 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 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-month period is a violation of this section and shall be punishable by a penalty of \$100 per day. **[Added 9-26-1987]**
- E. The replacement of a privy, alternative toilet or "outhouse" serving any dwelling or structure within 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 "outhouses" within 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 years of the effective date of this amendment. [Added 5-20-1989]

**§ 300-9.9. Trailer parks and campgrounds.**

- A. In any district where campgrounds or trailer parks are permitted under the terms of this chapter, 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 4,200 square feet and having a minimum width of 70 feet;
  - (4) Tent sites shall contain a minimum of 400 square feet. There shall be a minimum of 30 feet between tent sites;
  - (5) Trailers shall be parked in spaces so that:
    - (a) There will be a minimum of 15 feet between vehicles.
    - (b) There will be a minimum of 15 feet between all trailers and the exterior boundary of the park.
    - (c) There will be a minimum of 25 feet between all trailers and all public rights-of-way located both inside and outside the boundaries of the trailer park or campground.
- B. The storage, collection and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution.

**§ 300-9.10. 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.

**§ 300-9.11. Mobile homes and mobile home parks.**

- A. Standards for mobile homes not in mobile home parks.
- (1) All bulk and space standards of the appropriate district shall be met.
  - (2) The wheels and undercarriage shall be removed and the mobile home shall be placed on a foundation.
  - (3) The foundation shall, as a minimum standard, consist of either:

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- (a) A continuous, perimeter concrete wall extending at least four feet below finished grade. The wall shall be a minimum of eight 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
  - (b) A six-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-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.
- (4) In the absence of a full basement, suitable screening shall be provided to screen the oil tank.
- B. Mobile home parks. Mobile homes in mobile home parks shall comply with all of the standards of Subsection A, 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.
- (1) Plan.
    - (a) An approved mobile home park plan shall be necessary under the terms of this chapter, 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.
    - (b) 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.
  - (2) 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.
  - (3) Placement of units on lots.
    - (a) 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 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.
- (b) 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).
- (c) Every lot used in a mobile home park shall be properly graded and drained for disposal of surface and stormwater.
- (4) Lot requirements.
  - (a) Notwithstanding other requirements of this chapter or other Town ordinances, lots shall meet the following requirements:

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

- (b) 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.
- (5) Overall density.
  - (a) The overall density of any park served by any on-site wastewater disposal system shall not exceed one dwelling unit for each 20,000 square feet of total park area.
  - (b) 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 10% of the combined area of the lots; and
    - [5] The area within the shoreland setback.
- (6) Setbacks. Manufactured housing units shall meet the following minimum setbacks:

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- (a) On lots that abut a public way: the setback required for other residential uses.
  - (b) On lots that are located in a shoreland area: the setback from the high water mark required in that district.
  - (c) Garages or accessory structures shall be 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.
- (7) 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-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.
- (8) Road standards.
- (a) 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.
  - (b) Roads that the applicant proposes to dedicate as public ways shall be designed and constructed in accordance with the street standards contained in Article 9, Section 3, of the Subdivision Regulations of the Town of Raymond.
  - (c) Roads which the applicant proposes to remain private ways shall:
    - [1] Be designed by a professional engineer, registered in the State of Maine, and built according to accepted engineering standards;
    - [2] Have a minimum right-of-way of 23 feet;
    - [3] Have a paved travel surface with a minimum width of 20 feet; and
    - [4] Meet the standards of the Manufactured Housing Board.
  - (d) No lot within the park shall have direct vehicular access onto an existing public street. On-street parking shall be prohibited.
  - (e) Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, other streets within the park or other streets shown on an approved subdivision plan.
  - (f) The intersection of any street within a park and an existing public street shall meet the following standards:
    - [1] Minimum angle of intersection shall be 75%;

- [2] Maximum grade within 100 feet of the intersection shall be 3%;
  - [3] Minimum sight distance shall be 10 times the posted speed limit, measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye three feet above the pavement and the height of object four feet;
  - [4] Distance from other intersections shall be no less than one 125 feet from the center line of any other street intersecting that public street.
- (g) 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 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.
- (9) 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.
  - (10) 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.
  - (11) 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.
  - (12) 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.
  - (13) 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.
  - (14) 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.

- (15) Compliance with this chapter shall not exempt the park owner, developer or manager from complying with other applicable local, state and federal codes and regulations.
- (16) 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.
- (17) Site-built homes prohibited. No dwelling unit other than a manufactured housing unit shall be located within the mobile home park.

**§ 300-9.12. Signs. [Amended 6-2-2009]**

A. Definitions specific to sign regulation.

**ALTERATION** — A nonstructural change or minor repair that does not involve replacing or reconfiguring the sign board or sign space, or the system used to affix the sign to the ground or to a structure. Change of color, lettering, logo, design or message constitutes alteration of a sign.

**FIXED SIGN** — A sign that is affixed in a permanent or semi-permanent manner to a sign post or sign mounting system in the ground or to a building or other structure.

**FREESTANDING SIGN** — A fixed sign supported by one or more uprights or braces permanently affixed into the ground.

**IDENTIFICATION SIGN** — A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises.

**OFF-PREMISES SIGN** — A sign which advertises goods and services not rendered on the premises on which the sign is located.

**PORTABLE SIGN** — A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure.

**READER BOARD** — A sign or portion of a sign on which the copy periodically changes or can be changed by manual, electronic or mechanical means.

**REPLACEMENT** — A structural change to a sign such as a change to the braces, uprights, poles or any portion of the system used to affix the sign to the ground or to a structure, or a change or reconfiguring of the sign board or sign space. A change of color, lettering, logo, design or message not involving structural change does not constitute a replacement.

**SANDWICH BOARD** — A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure, and that is displayed only while the business associated with the sign is open, and which contains copy set out in chalk, paint or print form which is easily changed but which is not removable lettering such as

is typically found on reader boards. A sandwich board may be hung from a fixed sign or a structure, so long as it is not permanently or semi-permanently affixed.

**TEMPORARY ADVERTISING FEATURE** — An object displayed outdoors that is associated with commercial products or services or is intended to advertise, or draw attention to, commercial products or services, and which may include models or replicas of products, inflatable devices, assemblages of flags, balloons or banners and similar features or displays.

**TEMPORARY COMMERCIAL SIGN** — A temporary sign that is associated with commercial products or services or is intended to advertise, or draw attention to, commercial products or services.

**TEMPORARY SIGN** — A sign that is not designed or intended to be permanently affixed in the ground or to a building or other structure and that is displayed for a temporary or limited time frame.

B. Sign permits.

(1) General.

- (a) Except as otherwise herein provided, no person shall install, erect or place a new sign or modify, move, replace or make alterations to any sign, without first applying for and obtaining from the appropriate reviewing authority, as set out in Subsection B(2) below, a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as set out in Subsection B(2) below and any other information that may be required by the reviewing authority for a complete understanding of the proposed work.
- (b) Applications shall be submitted to the Code Enforcement Officer, accompanied by the required fee as specified in the Schedule of Fees established by the Board of Selectmen. For temporary commercial signs and temporary advertising features, the fee will be a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or advertising feature upon expiration of the permit.
- (c) Applications to install, erect or place a new sign or modify, move, replace or make alterations to any sign that is part of a project that is required to receive site plan review shall be made part of the application for site plan review. Sign applications that are part of a site plan application, and that have paid a site plan review fee, shall not be required to pay a sign application fee, except for fees for temporary commercial signs and temporary advertising features, if any.

(2) Reviewing authority.

- (a) Except for temporary signs or temporary advertising features, Planning Board approval and permit under the provisions of this section shall be required for the installation or replacement of any sign that is part of a project subject to major or minor site plan review, or for any other sign

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application referred to the Planning Board by the Code Enforcement Officer.

- (b) Code Enforcement Officer permit approval under the provisions of this section shall be required for installation or replacement of all signs not subject to Planning Board review. Prior to permitting any sign that is proposed for a site that ever received site plan approval from the Planning Board or any new or replacement signs located within the Commercial District, the Code Enforcement Officer shall consult with the Town Planner. The Code Enforcement Officer may require that any sign application be reviewed for approval by the Planning Board if, in the opinion of the Code Officer, the staff review process is unable to adequately resolve all relevant issues raised by the sign application review process.

(3) Application information.

- (a) Applications shall include a signage plan which contains information on the location and design of the proposed sign or alteration. The plans shall show the design, size, location, color, materials, types of message (fixed or electronic) and type of lighting for each proposed sign. **[Amended 7-14-2021]**
- (b) Unless, waived by the reviewing authority, applications proposing installation or alteration of a fixed sign in the Commercial District shall be prepared by a design professional experienced in commercial signage.

C. Exceptions. Permits are not required for:

- (1) Trespass signs allowed under Subsection I(5).<sup>11</sup>
- (2) Temporary real estate signs allowed under Subsection H(2).
- (3) Temporary development or construction site signs allowed under Subsection H(3).
- (4) Temporary signs giving notice allowed under Subsection H(1).
- (5) Identification signs.
- (6) Name signs not exceeding one square foot in area identifying occupants of the premises where such sign is located.
- (7) Signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulations.<sup>12</sup>
- (8) Sandwich boards allowed under Subsection H(5).
- (9) Flags and banners allowed under Subsection H(4).

<sup>11</sup> Editor's Note: Original Subsection 3.a, Political signs, which immediately preceded this subsection, was repealed 7-14-2021.

<sup>12</sup> Editor's Note: Original Subsection 3.i, Bulletin boards, reader boards and similar signs, which immediately followed this subsection, was repealed 7-14-2021.

- (10) Changes to the content of established reader boards.
  - (11) Signs that are located and displayed inside a building, whether visible outside of the building through a window or door.
- D. Maintenance and conformance of signs. No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.
- E. General safety standards for signs. No sign, whether new or existing, shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display or manner of construction.
- F. Motor vehicle signs.
- (1) Signs on motor vehicles are not subject to the regulations of this section unless they have the effect of circumventing restrictions or limitations imposed by this section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this section if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exists:
    - (a) The motor vehicle is unregistered;
    - (b) The motor vehicle is uninspected;
    - (c) The sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;
    - (d) The motor vehicle is parked or stored continuously in the same location;
    - (e) The motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;
    - (f) The motor vehicle is regularly parked or stored in a front yard, as defined in this chapter, or in the public right-of-way adjacent to the front yard when there is parking available in a side or rear yard; or
    - (g) The motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this chapter.
  - (2) The presumption that a motor vehicle has the effect of circumventing this section may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying, displaying, directing or attracting attention to an object, person, institution, organization, business, product, service, event or location.
- G. Decoration and ornamentation.

- (1) Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, is not subject to the regulations of this section unless it has the effect of circumventing the restrictions or limitations imposed by this section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this section if one or more of the following circumstances exists:
  - (a) The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);
  - (b) The decoration or ornamentation depicts some component or aspect of the name of a business located on the property (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or
  - (c) The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.
- (2) The presumption that any decoration or ornamentation has the effect of circumventing this section may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this subsection prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

H. Temporary signs and temporary advertising features. The following temporary signs are allowed and shall conform to these standards and other municipal, state or federal ordinances, statutes or regulations:

- (1) Temporary signs giving notice. Signs of a temporary nature, such as advertisements of charitable functions, notices of meetings and other noncommercial signs of a similar nature, are permitted for a period not to exceed 21 days and shall be removed by the person(s) who posted the signs within 48 hours after fulfilling their function. Temporary signs specified in this subsection shall not be attached or painted to fences, trees or other natural features, utility poles, or the like, and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.<sup>13</sup>
- (2) Temporary real estate signs. One temporary real estate sign attached to a building or freestanding may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Temporary real estate signs shall be removed from the premises within 30 days after the property is sold or leased.
- (3) Temporary development or construction site sign. One temporary development or construction sign, attached to a building or freestanding, may be erected, provided

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**13. Editor's Note: Original Subsection 8.b, Temporary political signs, which immediately followed this subsection, was repealed 7-14-2021.**



such sign shall be limited to a general identification of the project and shall be removed within 30 days after completion of the project.

- (4) Banners and flags. A banner or flag, the dimensions of which do not exceed 24 square feet and on which there is only the word "open" and no other lettering or numbering, may be displayed by any retail business or service establishment (except home occupations) during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. This subsection does not prohibit or restrict displays of the United States Flag or the State of Maine Flag.
- (5) Sandwich boards. One temporary sandwich board is allowed for each business, provided it meets the requirements of this section. Sandwich boards shall not exceed three feet in height or a total of nine square feet per side in size. Sandwich boards shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Sandwich boards may not include any source of illumination. Sandwich boards are allowed to be displayed outside only during the hours of operation of the business. Sandwich boards are not subject to lot line setbacks, and may be placed in the portion of a public right-of-way abutting the property containing the business as long as they are not placed in a travel way or on a public sidewalk and do not create a hazard.
- (6) Temporary commercial signs.
  - (a) One temporary sign for commercial purposes (including but not limited to advertising or announcing a new or relocated business), up to 32 square feet of total facade area but no more than 16 square feet per side, shall be permitted in any district in connection with a legally permissible business conducted on the premises.
  - (b) Temporary signs are allowed in addition to any sign permitted by this section. The area of the temporary sign shall not count toward the maximum sign area allowed for an individual property.
  - (c) A temporary commercial sign is not subject to lot line setbacks but shall be located within the boundaries of the property on which the business is located. A temporary commercial sign shall not be placed in a travel way or on a public sidewalk and shall not create a hazard for pedestrians or vehicles.
  - (d) Temporary commercial signs shall not be installed or displayed on the same property or on adjoining properties under the control of a single person or entity for more than four thirty-day periods per calendar year, and such periods must be nonconsecutive. In order to be considered nonconsecutive, there shall be at least a fifteen-day interval between display periods. When more than one business is located on the same property or on adjoining properties under the control of a single person or entity, the limitations of this subsection shall apply separately to each business.
  - (e) The Code Enforcement Office shall issue permits for temporary commercial signs ("temporary sign permit") for each nonconsecutive thirty-day period,

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which set out the expiration date of the permit. Temporary signs shall be removed on or before the expiration date set out in the temporary sign permit.

- (f) In addition to being subject to penalties and other sanctions for violations of this chapter, any business that allows a temporary sign to remain in place more than the 30 consecutive days allowed by this subsection will forfeit the permit deposit to the Town.
- (7) Temporary advertising features.
- (a) One temporary advertising feature shall be permitted in any district in connection with a legally permissible business conducted on the premises.
  - (b) Temporary advertising features are allowed in addition to any sign permitted by this section. The area of the temporary advertising feature shall not count toward the maximum sign area allowed for an individual property.
  - (c) A temporary advertising feature shall be located so that it does not create a hazard for pedestrians or vehicles. A temporary advertising feature shall not be placed in a travel way or on a public sidewalk.
  - (d) Temporary advertising features shall not be installed or displayed, on the same property or properties under the control of a single person or entity, more than four nonconsecutive ten-day periods per calendar year. In order to be considered nonconsecutive, there shall be at least a fifteen-day interval between display periods.
  - (e) The Code Enforcement Office shall issue permits for temporary advertising features ("temporary advertising feature permit") for each nonconsecutive ten-day period, which set out the expiration date of the permit. Temporary advertising features shall be removed on or before the expiration date set out in the temporary advertising feature permit.
  - (f) Any business that allows a temporary advertising feature to remain in place more than the 10 consecutive days allowed by this subsection will forfeit the permit deposit to the Town.

I. Regulations applicable to all signs.

- (1) Off-premises signs. Off-premises signs are prohibited. All signs shall be located on the property containing the business to which the sign relates, subject to the provisions of Subsection K below.
- (2) Reader boards. Reader boards attached to permanent signage are allowed so long as they do not occupy more than 50% of the area of the sign. Reader boards shall contain no more than four lines of text, and the lettering on the reader board shall not be less than six inches in height. The area of the reader board shall be counted toward calculating the maximum gross display area of signs on the property. A reader board may contain an electronic message sign, and may include a time and/or temperature display so long as the time and/or temperature display complies with the requirements for time and/or temperature signs in

Subsection I(3) below. A reader board must also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.

- (3) Time and/or temperature signs. Time and/or temperature signs are allowed, and any sign otherwise permitted may include a time and temperature sign, provided that a time and/or temperature sign not be established within 2,500 feet of another time and temperature sign. A time and/or temperature sign shall be limited to 10 square feet in area and may not be located more than 10 feet above grade. The area of the time and/or temperature sign shall be counted toward calculating the maximum gross display area of signs on the property. The electronic display of a time and/or temperature sign shall not change more often than one time per minute. A time and/or temperature sign shall also comply with the requirements for changeable signs under 23 M.R.S.A. § 1914(11-A), as amended from time to time.
- (4) Illumination and animation. Sign illumination, if any, shall be a nonflashing light. Animated displays or flashing signs are prohibited.
- (5) Trespass signs. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two square feet in area.
- (6) Roof-mounted signs. Signs shall not be mounted to nor placed upon the roof of any building.
- (7) Street numbers. Any premises which utilizes an advertising sign or other sign identifying the premises to the traveling public must display its street numbers on at least one of the permanent signs permitted under this section in a location visible from the nearest street. The characters of the street number shall be at least six inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than six inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using six-inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after June 2, 2009, unless another permanent sign on the same premises already displays the street address in compliance with this subsection.

J. Specific standards.

- (1) The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential-Recreation I, Limited Residential-Recreation II, Village Residential I, Village Residential II, Rural and Rural Residential Districts, and any other residentially zoned districts.
  - (a) Signs related to goods and services lawfully sold on the premises are allowed, but shall not exceed six square feet in area, and shall not exceed two signs per premises except as otherwise allowed pursuant Subsection J(1)(d) below.

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- (b) Residential users may display a single sign not over three square feet in area relating to the sale, rental or lease of the premises.
  - (c) No sign shall extend higher than 20 feet above the ground.
  - (d) Signs advertising approved commercial uses in the residential zones fronting on Route 302 will be allowed to the maximum size and number allowed in the commercial zone.
  - (e) Signs advertising approved agricultural uses in the residential zones will be allowed to the maximum size and number allowed in the commercial zone. **[Added 6-7-2017]**
- (2) The following provisions shall govern the use of signs in the Commercial District.
- (a) Signs permitted in this district include freestanding signs and signs attached to a building or structure, identifying uses of goods sold or services rendered on the premises. Signs attached to a building may project out from the facade of the building but may not be mounted to the roof of the building. Signs may be single- or double-faced.
  - (b) The maximum display area of permanent signs in this district shall be an amount equal to one square foot of area for every foot of street frontage, to a maximum of 288 square feet for each premises.
  - (c) Detached signs may extend to a maximum height of 20 feet above the level of the ground upon which they are erected.
  - (d) Signs attached to a building may extend a maximum of 10 feet above the level of the eaves of roofs.
  - (e) 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 10 feet of the property line shall have the bottom of the sign not less than six feet above the level of the adjacent traveled surface.
  - (f) No sign shall be more than four feet above the peak of the roof, and no sign shall protrude out from the building more than 12 inches.
  - (g) 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.
  - (h) Signs attached to buildings shall not exceed four feet by eight feet.
- (3) The following provisions shall govern the use of signs in the Industrial District.
- (a) Signs permitted in this district include freestanding signs and signs attached to a building or structure, identifying uses or articles produced or services rendered on the premises. Signs attached to a building may project out from the facade of the building but may not be mounted to the roof of the building. 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 reviewing authority to meet the standards of the area located.

K. Nonconforming signs.

- (1) The eventual elimination of nonconforming signs is an objective of the Town. Such elimination of nonconforming signs shall be brought about over a period of time and in such a manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.
- (2) Any sign existing as of June 2, 2009, which does not conform to the regulations and requirements of this section and any sign existing on the effective date of any amendment to this section which renders the sign nonconforming may continue to be used and maintained in a condition of good repair until removed, pursuant to the following provisions:
  - (a) When any sign no longer advertises a bona fide business conducted, product sold, activity being conducted or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall, within 30 days after the activity has ceased, remove and replace the sign with a clean, neat and well-maintained facade or covering so as not to cause detriment to the physical appearance or scenic beauty of the community.
  - (b) When any sign which does not conform to the regulations and requirements of this section does not, for a consecutive period of two years or more, advertise a bona fide business conducted, product sold, activity being conducted or public notice, the owner, agent or person having the beneficial use of the building or premises upon which such sign is located shall permanently discontinue the use of that sign until such time as it conforms to the regulations and requirements of this section.
  - (c) Any permanent sign existing as of June 2, 2009, that does not conform to the regulations and requirements of this section shall be removed no later than June 2, 2019, except that a freestanding sign, located outside of the lot containing the business to which the sign relates, but in the portion of a public right-of-way abutting the property containing the business, and which does not create a hazard for pedestrians or vehicles, may continue in that location, subject to any authority or decision of the state, until such time as there is a change to the braces, uprights, poles or any portion of the system used to affix the sign to the ground.
  - (d) Alterations may be made to any permanent sign existing as of June 2, 2009, that does not conform to the regulations and requirements of this section prior to June 2, 2019, without bringing the sign into conformance with the regulations and requirements of this section.<sup>14</sup>

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**14. Editor's Note: Original Subsection 11.e, regarding nonconforming temporary or portable signs, which immediately followed this subsection, was repealed 7-14-2021.**

**§ 300-9.13. 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.

**§ 300-9.14. Timber harvesting.**

All timber harvesting shall be governed by the provisions of 12 M.R.S.A. Chapters 805 and 807, to the extent applicable, as well as the following regulations. Landowners may be required to provide notification of a timber harvest to the Maine Bureau of Forestry and to the Municipal Clerk prior to commencing timber harvesting operations. Timber harvesting in Shoreland Districts shall also be in accordance with the regulations of the Shoreland Zoning Provisions of the Town.<sup>15</sup>

- A. No accumulation of slash shall be left within 50 feet of a road or street. At distances greater than 50 feet from the road or street to the limits of the area covered by this chapter, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than six feet above the ground.
- B. Timber harvesting activities 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.

**§ 300-9.15. 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.

**§ 300-9.16. Agricultural uses.**

- A. Farm buildings, other than dwellings, shall not be erected within 50 feet of a neighboring property line or 100 feet from an existing dwelling on neighboring land, whichever is farthest.
- B. Feed lots, fenced runs, pens and similar intensively used facilities for animal raising and care shall not be located within 100 feet of a neighboring property line, excluding pastures.

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15. Editor's Note: See Ch. 350, Shoreland Zoning.

- C. 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 of each species of such animals six months old or older requires conformance to Subsections A and B above and conformance with the minimum lot size of the applicable land use district.

**§ 300-9.17. Lot structural coverage. [Added 5-16-1987; amended 6-7-2016]**

In all districts except the Commercial District, lot coverage by structure(s) shall not exceed 15% of the lot. There shall be no lot coverage requirement in the Commercial District.

**§ 300-9.18. Driveway construction. [Added 12-19-1991; amended 5-15-1993; 3-20-1999]**

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.

**§ 300-9.19. Wireless communications facilities. [May 2000]**

- A. Purpose. These standards are designed and intended to balance the interests of the residents of the Town of Raymond, wireless communications providers and wireless communications customers in the siting of wireless communications facilities within the Town. Beyond the objectives described in Article 1, § 300-1.3, and in other sections of this chapter, these wireless communications facilities standards are also intended to:
- (1) Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;
  - (2) Establish clear guidelines, standards and time frames for the Town to regulate wireless communications facilities;
  - (3) Ensure that all entities providing wireless communications facilities within Raymond comply with the ordinances of Raymond;
  - (4) Permit the Town of Raymond to continue to fairly and responsibly protect public health, safety and welfare;
  - (5) Encourage the siting of wireless communications facilities to co-locate, thus minimizing adverse visual impacts on the community;
  - (6) Support the goals and policies of the Comprehensive Plan, especially the orderly development of the Town with minimal impacts on existing residential uses;
  - (7) Protect the scenic and visual characteristics of the community, as identified in the Raymond Comprehensive Plan, to the greatest extent possible;
  - (8) Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes; and
  - (9) Minimize any potential adverse effect of wireless communications facilities on property values.

- B. Definitions. In addition to those terms defined in Article 12 of this chapter, the following terms are applicable for reviewing an application for a wireless communications facility and ensuring that applicable standards are met.

**ALTERNATIVE TOWER STRUCTURE (ATS)** — Clock towers, bell steeples, light poles, water towers, electrical transmission line towers and similar alternative mounting structures that camouflage or conceal the presence of antennas or towers associated with a wireless communications facility.

**ANTENNA SUPPORT STRUCTURE** — Any pole, telescoping mast, tower tripod or other structure that attaches to a tower and supports one or more antenna(s).

**ANTENNA; ANTENNA ARRAY** — A device used in communication that transmits or receives radio or electromagnetic frequency signals. A system of one or more rods, panels, discs or similar devices used for the transmission or reception of radiofrequency (RF) signals through electromagnetic energy. These include, but are not limited to, omnidirectional antennas (whip or rod), directional antennas (panel) and parabolic antennas (dish or disc).

**DESIGNATED SCENIC RESOURCE** — A specific location, view or corridor as identified as a scenic resource in Raymond's Comprehensive Plan or by a state or federal agency that consists of:

- (1) A three-dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object such as a mountain, resulting in a narrow corridor, or a group of objects such as a mountain range, resulting in a panoramic view corridor; or
- (2) Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

**EQUIPMENT FACILITY** — Any structure used to contain ancillary equipment for a wireless communications facility, including cabinets, shelters, a build-out of an existing structure, pedestals and other similar structures.

**EXISTING CONFORMING WIRELESS COMMUNICATIONS TOWER (CWCT)** — A wireless communications tower existing as of the adoption of these standards that meets the standards contained herein, including but not limited to tower height. **[Amended 3-20-1999]**

**EXISTING NONCONFORMING WIRELESS COMMUNICATIONS TOWER (NCWCT)** — A wireless communications tower existing as of the adoption of these standards that does not meet the standards contained herein, including but not limited to tower height. **[Added 3-20-1999]**

**FAA** — Federal Aviation Administration.

**FCC** — Federal Communications Commission.

**HEIGHT, WIRELESS COMMUNICATIONS FACILITY TOWER OR ALTERNATIVE TOWER STRUCTURE (ATS)** — The vertical distance measured from the lowest point within 25 feet of the base of the structure on the ground to the highest



point of the tower or ATS, including the base pad, all antennas and other attachments. When towers are mounted upon buildings or other structures, the total vertical height is measured from the lowest point within 25 feet of ground level of the building or structure to the highest point of all appurtenances on the tower.

**NEW TOWER** — A wireless communications tower that is constructed after the adoption of these standards. **[Amended 3-20-1999]**

**NORMAL MAINTENANCE** — The regular, routine maintenance of a WCF, including but not limited to changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna and changing or repairing electronic components contained within an existing building (not a WCT) to similar electronic components that do not increase the broadcast capacity of the WCF in excess of the exemption standards contained in FCC Office of Engineering and Technology (OET) Bulletin #65. This definition specifically includes painting, provided that the painting is done in accordance with the standards established in Subsection G(2)(a) of this § 300-9.19. This definition specifically excludes widening an access road, increasing tower height, replacing light fixtures and increasing the broadcast capacity of a WCF in excess of the exemption standards contained in FCC OET Bulletin #65.

**WIRELESS COMMUNICATIONS FACILITY (WCF)** — A facility that transmits, receives, distributes, provides or offers wireless communications, together with the facility's associated antennas, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics and other types of equipment for the transmission, receipt, distribution or offering of such signals, wireless communications towers, antenna support structures, and other structures supporting said equipment and any attachments to those structures, including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways and roads and other accessory features.

**WIRELESS COMMUNICATIONS TOWER (WCT)** — A structure designed and constructed specifically to support an antenna array that provides wireless communications. A tower may be a monopole, self-supporting (lattice) tower, guy-wire support tower or other similar structure, and includes all supporting lines, cables, wires and braces.

**WIRELESS COMMUNICATIONS TOWER, CO-LOCATED** — A wireless telecommunications tower or ATS supporting one or more antennas/antenna array(s) and owned or used by more than one public or private entity. A co-located tower may include two or more antenna arrays serving the same company, provided that the applicant can demonstrate to the Planning Board that separate levels are a practical necessity.

**WIRELESS COMMUNICATIONS** — Any personal wireless services as defined in the Federal Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services, including but not limited to telecommunications services, radio or television signals or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television and similar services that currently exist or that may in the future be developed.

- C. Review and approval authority. No construction, alteration, repair or change shall occur on any wireless communications facility without written approval from the Raymond CEO or Planning Board as follows:
- (1) Normal maintenance, as defined in this § 300-9.19, is allowed without a permit from the CEO or Planning Board.
  - (2) No construction, alteration, repair or change shall occur on any wireless communications facility unless all required permits are obtained, including but not limited to any federal or state permits.
  - (3) Planning Board review and approval is required for the following:
    - (a) Any WCF that does not exist as of the adoption of these standards. **[Amended 3-20-1999]**
    - (b) Any additional antenna or antenna array(s) or increase in broadcast capacity in excess of the exemption standards contained in FCC OETC Bulletin #65 on any WCF not previously and specifically approved by the Planning Board.
    - (c) Any alteration to an existing NCWCT that requires Planning Board review as established in Subsection I, Alterations to existing facilities.
    - (d) Any increase to the tower height not previously and specifically approved by the Planning Board.
  - (4) A building permit, in accordance with the standards established in Subsection D, Building permit requirements, must be obtained from the Raymond CEO for the following:
    - (a) Construction of a WCF that does not exist as of the adoption of these standards. **[Amended 3-20-1999]**
    - (b) Any alteration to an NCWCT, except normal maintenance (see definition).
    - (c) Any WCF application approved by the Planning Board.
- D. Building permit requirements. The Raymond CEO shall ensure that the following requirements are met prior to the issuance of a building permit for a WCF:
- (1) Submission requirements. The applicant shall submit the following to the CEO:
    - (a) Names, addresses, phone numbers and other means of contacting companies and persons that will function as contacts for the required inspections and monitoring of the WCF.
    - (b) Any applicable plans or information deemed necessary by the CEO to issue a permit for the WCF in accordance with these standards. This may include plans and information from a professional engineer at the applicant's expense.
    - (c) For any permit request to construct a co-located WCT in excess of the maximum height permitted for a single-use tower, the applicant will submit

to the CEO executed agreements documenting commitments to co-locate from the number of co-locators approved by the Planning Board.

- (d) For any permit request to construct a co-located WCT in excess of the maximum height permitted for a single-use WCT, the applicant must submit evidence that the tower can structurally support a minimum of two antenna arrays for each anticipated co-locating entity.
  - (e) For any permit request involving an existing NCWCT, the applicant shall supply information regarding the estimated construction cost of the tower prior to the proposed alterations and the estimated construction cost of the tower after the proposed alterations. For the purposes of determining the estimated construction cost for this section, the cost shall be based on a complete rebuild of the existing tower, excluding the cost of any electronic equipment and antenna/antenna array(s). [See also Subsection I(2), Alterations to existing nonconforming WCTs.]
- (2) The Raymond CEO shall not issue a permit for the construction of a new wireless communications facility or any change to an existing wireless communications facility that requires Planning Board review until the Planning Board has approved the facility and all applicable conditions have been met.
  - (3) The CEO shall not issue a building permit for a WCF unless all required permits are obtained and filed with the Town, including but not limited to any applicable federal or state permits or licenses.
  - (4) In the event that an applicant proposes to add capacity, the Raymond CEO may issue a permit for additional antenna(s), antenna array(s) or broadcast capacity if the facility has been previously and specifically approved by the Planning Board for the requested changes. The Planning Board approval must specifically state that this capacity is allowed and the allowed time period during which CEO may issue a permit for the additional capacity. Any increase in broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin #65 must be previously and specifically approved by the Planning Board.
  - (5) The CEO shall have the authority to use professional and technical services to review proposed plans and to inspect the construction of an approved project. The applicant shall pay all costs incurred for these review and inspection services.
  - (6) If inspections and/or proof of insurance is required by the Planning Board, all necessary forms and inspection schedule(s) shall be submitted.
  - (7) If the Planning Board required a performance guarantee and/or abandonment/removal bond for the proposed WCF, the amount and type of the bond(s) as required by the Planning Board shall be received and found acceptable by the CEO prior to the CEO taking action on any building permit application.
  - (8) For any NCWCT, the CEO shall keep records of the repairs made to each tower to determine whether or not Planning Board review is required as established in Subsection I(2) below, Alterations to existing nonconforming WCTs. In order to ensure that the information provided by the applicant for this standard is accurate, the CEO shall have the authority to require third-party review of the information

submitted by the applicant, as authorized below in Subsection E(4), Third-party authority.

E. Planning Board review.

- (1) In all cases, the burden of proof shall be on the applicant to demonstrate to the Planning Board that the required standards have been met.
- (2) Procedure.
  - (a) The applicant shall submit all of the items listed below in Subsection E(6), Submission requirements, for all applications to the Raymond CEO. If an applicant proposes a new tower, in Items (a) through (c) in Subsection F(1), New tower requirements; submission requirements, must also be submitted to the CEO. The applicant must submit, in writing, request(s) for any waivers to the submission requirements.
  - (b) Once the CEO has determined that the application is complete, the Planning Board shall review the submitted materials at the next available regular Planning Board meeting. Once the Planning Board has determined that there is sufficient information to make a determination as to whether or not co-location is a feasible option possible, the Planning Board shall make the determination as outlined below in Subsection E(3), Co-location determination. When the Planning Board has resolved the co-location, the applicant shall submit the required submissions to the Planning Board and the Board shall review the application as established in Subsection E(5) below, Planning Board review guidelines.
- (3) Co-location determination.
  - (a) In accordance with the purposes stated above, Raymond's wireless communications standards strongly encourage co-location on existing tower structures, on ATS's, on new towers on existing tower sites, or modifying an existing WCT to accommodate an additional antenna/antenna array(s) or increased broadcast capacity. Proposals for the siting of WCFs or antennas on existing towers or ATS's, or at locations that presently have WCTs, are favored over proposals for construction of new towers on sites where towers do not presently exist.
  - (b) The Planning Board review process guides WCF applicants towards co-location and requires the applicant to prove, among other factors, that their proposed antennas or facilities cannot be accommodated by existing tower structures. The Planning Board shall have the authority to determine whether or not co-location is a reasonable, practical and feasible option based on the following:
    - [1] Required submissions stated below in Subsection E(6), Submission requirements, for all applications;
    - [2] The purposes for these WCF standards stated above in Subsection A, Purpose;

- [3] The Planning Board's interpretation of the information provided by the applicant in submissions (a) through (c) required below in Subsection F(1), New tower requirements; submission requirements.
- (c) The Planning Board shall determine, by a vote, whether or not co-location will be required. If the Planning Board determines that co-location will not be required, the application can be considered under Subsection F, New tower requirements.
- (4) Third-party authority.
- (a) The Planning Board shall have the authority to require that information and documentation relating to the required submissions, review guidelines and performance standards be provided to the Planning Board by a third-party professional at the expense of the applicant to ensure that the requirements of this section and the zoning ordinance are met and maintained. The qualified third party shall, at the request of the Planning Board, verify the accuracy of the information presented by the applicant to the Board. This third-party authority shall specifically include verification of the information, facts and costs associated with determining whether or not co-location is a feasible option.
- (b) The Planning Board shall have the authority to choose the third party or parties deemed necessary by the Planning Board to review the application. The Planning Board may require a peer review. If the Planning Board determines that such peer review is insufficient, the Planning Board shall have the authority to require a more comprehensive and independent review. The cost of the peer review or independent review shall be borne by the applicant.
- (5) Planning Board review guidelines. The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below will be met and maintained. The Planning Board will be guided in its consideration of a WCF application by the following parameters:
- (a) All standards contained in Article 10, Site Plan Review, of this chapter, including but not limited to § 300-10.5, Criteria and standards, and § 300-10.6, Performance standards.
- (b) All standards contained in Subsection G, Performance standards, of these WCF standards.
- (c) The height of the proposed tower, alteration or other necessary structure does not exceed that which is essential for its intended use.
- (d) The proximity of the tower and impact to residential development or zoning districts shall be minimized.
- (e) The nature of uses on adjacent and nearby properties shall be reviewed and the impact of the WCF minimized.

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- (f) The WCF shall minimize changes to the existing natural topography to the maximum extent feasible and shall take into consideration the surrounding topography.
- (g) The WCF shall utilize the surrounding tree coverage and foliage as a buffer. Removal of mature trees shall be strongly discouraged.
- (h) The design of the WCF, including the tower, antenna, antenna array(s) and any functionally dependent structures, shall have the effect of reducing or eliminating visual obtrusiveness.
- (i) The WCF shall minimize visual impacts on view sheds, ridge lines and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
- (j) The proposed WCF facility will not unreasonably interfere with the view from any public park, natural scenic vista, historical building, major view corridor or designated scenic resource.
- (k) The proposed facility is not constructed in such a manner as to result in unnecessary height, mass and guy-wire supports, with documentation having been provided and reviewed regarding the design capacity and/or the remaining co-location capacity of the tower/facility.
- (l) The time period that the applicant is permitted to complete the project shall be determined by the Planning Board.
- (m) Based on information submitted by the applicant, the Planning Board shall ensure that mitigation measures have been utilized to screen antennas and towers from view from public rights-of-way or scenic vistas, either via landscaping, fencing or other architectural screening.
- (n) Based on information submitted by the applicant, the Planning Board shall ensure that creative design measures have been employed to camouflage facilities by integrating them with existing buildings and among other uses.
- (o) Based on information submitted by the applicant, the Planning Board shall ensure that other technically feasible sites have been investigated and, if available, the proposed facility has been relocated in order to minimize the effect of the location on visually sensitive areas such as residential communities, historical areas and open space areas.
- (p) An inspection schedule acceptable to the Planning Board shall be established.
- (q) A performance guarantee and/or removal guarantee in accordance with Subsection H, Additional standards and criteria, may be required by the Planning Board.
- (r) The WCF will not unreasonably or significantly affect or devalue neighboring property(s).

- (s) The Planning Board shall consider the vantage points chosen by the applicant as part of the visual analysis required in Subsection F, New tower requirements. If the Planning Board determines that additional vantage points should be considered, the applicant shall complete the visual analyses for these locations for the Board's consideration.
- (6) Submission requirements for all applications.
    - (a) All relevant submissions, as determined by the Planning Board, contained in Article 10, Site Plan Review, of this chapter.
    - (b) A proposal to construct or modify a wireless communications tower must include evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communications services. All wireless communications entities that are contracted to locate on the tower must join as applicants.
    - (c) Written approval by all applicable state and federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required.
    - (d) An inventory of all of the provider's existing and approved towers, antennas or sites within the Town of Raymond and locations in surrounding communities where wireless telecommunications are proposed to be utilized in conjunction with the facility proposed in the application.
    - (e) Service area maps or network maps of the applicant's existing and proposed facilities in Cumberland, Androscoggin and Oxford Counties.
    - (f) Identify any other telecommunications facilities existing or proposed on the site.
    - (g) Details of all existing or proposed accessory structures, including buildings, parking areas, utilities, gates, access roads, etc.
- F. New tower requirements.
    - (1) Submission requirements.
      - (a) Evidence that written notice was sent, by pre-paid first class United States mail, to all other such tower and alternative tower structure owners and licensed wireless communications providers in the Town utilizing existing towers and ATS's and to owners of such towers and ATS's within a one-mile search radius of the proposed tower. This notice shall state the applicant's siting needs and request information the co-location capabilities of the existing or previously approved facilities. Evidence that this notice requirement has been fulfilled shall include a name and address list, copy of the notice that was sent and a statement, under oath, that the notices were sent as required.
      - (b) Evidence that existing or previously approved towers and alternative tower structures within the Town and search area cannot accommodate the

communications equipment (antennas, cables, etc.) planned for the proposed tower. Such evidence should be documentation from a qualified and licensed professional engineer that:

- [1] Planned necessary equipment would exceed the structural capacity of existing and approved towers and alternative tower structures, considering the existing and planned use of those towers and alternative tower structures, and the existing and approved towers cannot be reinforced or enlarged to accommodate planned or equivalent equipment at a reasonable cost;
  - [2] Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower or alternative tower structure, and the interference cannot be prevented at a reasonable cost;
  - [3] Existing or approved towers and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
  - [4] Other documented reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers and alternative tower structures.
- (c) Evidence that the proposed tower cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such tower sites could be changed to accommodate the proposed tower, and a general description of the means and projected cost of shared use of the existing or approved tower site.
- (d) A report from a registered professional engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number(s), type(s) and volume(s) of antenna(s) that it can accommodate and the basis for the calculation of capacity.
- (e) A letter of intent that commits the tower owner and his or her successors in interest to:
- [1] Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;
  - [2] Negotiate in good faith for shared use by third parties that have received an FCC license or permits; and
  - [3] Allow shared use if an applicant agrees in writing to pay reasonable charges.
- (f) Proof of financial capacity to build, maintain and remove the proposed tower must be submitted.



- (g) Photos showing site vegetation, existing and adjacent structures, views of and from the proposed site, topography, and land uses on the proposed parcel and on abutting properties.
  - (h) Landscaping plan reflecting location of proposed screening and fencing, planting areas, proposed plantings, existing plant materials to be retained and trees or shrubs to be removed.
  - (i) Elevation drawings, cross-sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides and rear of the proposed facility, including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennas and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
  - (j) Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.
  - (k) A visual analysis, which may include photo montage, field mock up or other techniques, that identifies the potential visual impacts, at design capacity, of the proposed facility. This visual analysis shall include sufficient information for the Planning Board to determine how the proposed site will visually change. The analysis should include before and after analyses of the site from adjacent public views and roads as well as from adjacent vantage points. Consideration shall be given to views from public areas as well as from private residences and from archaeological and historic resources, including historic districts, areas and structures, specifically those listed in the National Register of Historic Places or those that are eligible for such listing. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historic Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable communications facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed wireless communications service.
- (2) Location. Any wireless communications tower not existing as of the date of adoption of this section shall conform to the following standards. [**Amended 3-20-1999**]
- (a) Wireless communications facilities shall not be sited in areas of high visibility unless the Planning Board finds that no other location is technically feasible. If the facility is to be sited above the ridge line, it must be designed to minimize its profile by blending with the surrounding existing natural and man-made environment to the maximum extent possible using available materials, natural buffers and the tower location site.

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- (b) No facility shall be located so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species.
  - (c) Towers are allowed in the Rural (R), Village Residential (VR-I), and Village Residential-II (VR-II) zoning districts, provided that the tower base shall not be located at or above 600 feet above mean sea level on the following hills identified in the Raymond Comprehensive Plan adopted in 1991: Ledge Hill, Pismire Mountain, Raymond Hill, Tarklin Hill, Tenny Hill and the foothills of Rattlesnake Mountain. The Planning Board shall not have the authority to waive this standard.
  - (d) Towers are specifically prohibited from the following zoning districts: Commercial, Industrial, Rural Residential, Limited Residential I and II and any Shoreland Zone. The Planning Board shall not have the authority to waive this standard.
- (3) Tower height. Any wireless communications tower not existing as of the date of adoption of this chapter shall conform to the following standards. **[Amended 3-20-1999]**
- (a) Towers shall not exceed 30 feet above the existing mature tree line immediately adjacent to the tower. The Planning Board shall have the authority to determine the height of the existing mature tree line based on information provided to the Board by the applicant and, if deemed necessary, verified by the Planning Board.
  - (b) Only the minimum height necessary to accomplish the technical needs of the applicant shall be approved by the Planning Board.
  - (c) Towers shall not exceed a height of 75 feet, except that where evidence of acceptable design and co-location is provided, the Planning Board may approve an additional 25 feet of tower height per each additional wireless communications service co-locator, not to exceed a maximum tower height of 125 feet. The Planning Board shall not have the authority to waive this standard.
  - (d) Installing antennas on alternative tower structures is permitted, provided that the resulting ATS height does not exceed a maximum height of 125 feet and that the tower does not extend more than 35 feet higher than the present highest point of the building or structure. The Planning Board shall not have the authority to waive this standard.
  - (e) Notwithstanding the height and setback limitations within a zoning district, in order to accommodate the co-location of an additional antenna, a tower, existing as of the adoption of these standards, may be modified or rebuilt to a taller height, not to exceed a total maximum of 30 feet more than the tower's height as of the date of adoption of these standards, but only if that additional height will not result in a requirement for any new lighting or obstruction painting. **[Amended 3-20-1999]**

- (4) Space and bulk requirements. Any wireless communications facility not existing as of the date of adoption of these standards shall conform to the following standards. **[Amended 3-20-1999]**
- (a) Mounting and dimensions. The mass and dimensions of antennas on a tower or alternative tower structure shall be governed by the following criteria:
- [1] Whip antennas shall not exceed 20 feet in length for an individual antenna, and shall be limited to two per mount, with no more than three mounts at a given level;
  - [2] Microwave dish antennas. The aggregate diameters of microwave dish antennas mounted within a twenty-foot vertical section of a tower may not exceed 24 feet, with no single dish being more than eight feet in diameter and five feet in depth, unless otherwise required per the path reliability and/or tower structural studies;
  - [3] Panel antennas. The horizontal center line of all panel antennas of a single carrier must be aligned in the same horizontal plane, with each antenna not to exceed eight feet in length nor two feet in width;
  - [4] Panel antenna mass per array. The mass of antennas, including required antenna support structures, on a tower shall not exceed 500 cubic feet per antenna array, with no one dimension exceeding 15 feet per array. The mass shall be determined by the appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical or pyramidal geometric shapes encompassing the perimeter of the entire array and all of its parts and attachments.
- (b) Lot area. A new wireless communications tower shall not be constructed on a lot that does not conform to the minimum lot area required in the zoning district, even if such lot is a lawful nonconforming lot of record.
- (c) Access. The Planning Board shall have the authority to review and approve the access to the tower site. If the Planning Board determines that there may be future development on the access road to the tower, it may require a fifty-foot right-of-way. Road access to the telecommunications site shall be the minimum size necessary to allow safe access.
- (d) Setbacks.
- [1] The center of the tower base shall be set back from all structures by a distance of at least 100% of the total tower height. Equipment facilities and other nonresidential structures deemed functionally dependent by the Planning Board for the WCF may be permitted within the fall-down zone if desired by the applicant. If guy wires are used, they shall meet the applicable building setback from the property line.
  - [2] If the site is leased, a fall-down zone easement, approved by the Planning Board and recorded in the Registry of Deeds, may be

acceptable. Such fall-down easements shall prohibit any structures, existing or in the future, within the area 100% of the total tower height. Easements on several parcels may be acceptable, provided that the fall-down easements cover the area within 100% of the total tower height.

- [3] Equipment facilities shall meet the required district setback.
- [4] There shall be no setback requirements for antennas mounted on alternative tower structures. The standard district setbacks shall continue to apply for alternative tower structures and equipment facilities, where applicable.

G. Performance standards. All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.

(1) Structural design standards.

- (a) Any new single-use tower shall be designed to structurally support a minimum of two additional antenna arrays.
- (b) Communications towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
- (c) The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute ANSI/EIA/TIA-222 for Cumberland County relative to wind and ice loads when the tower is fully loaded with antennas, transmitters and other equipment as described in the submitted plan.
- (d) For towers or antennas placed on buildings or alternative tower structures, the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
- (e) A proposal to construct a new co-located WCT taller than the maximum height permitted for a single wireless communications service must include evidence that the tower can structurally support a minimum of two antenna arrays for each anticipated co-locating entity [Subsection F(3), Tower height].
- (f) Radiation emission standards. The design, siting and operation of the tower and any related structures must assure that all potentially hazardous radiation is controlled or contained, and that radiation levels are at safe levels as determined by applicable state and federal standards.

(2) Aesthetics.

- (a) Except where dictated by federal or state requirements, the Planning Board may require that a proposed tower be camouflaged or designed to blend with its surroundings. This may include, but is not limited to, having a galvanized finish, being painted "flat" blue gray or in a skytone above the top of surrounding trees and earthtone below treetop level.
- (b) Equipment facilities shall be adjacent to the tower base unless an alternative location will be less visually obtrusive or topographic considerations require an alternative location.
- (c) Equipment facilities shall be no taller than one story in height and shall be created to look like a building or facility typically found in the area.
- (d) If lighting is required by state or federal regulations, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties and views.
- (e) Antenna arrays and microwave dishes located on an alternative tower structure shall be placed in such a manner so as to be as indistinguishable as possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If, however, circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.
- (f) The Planning Board may require special design of the facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).
- (g) If more than one tower is proposed on a single lot or parcel, they shall be clustered as closely together as technically possible.
- (h) Buffering requirements.

[1] Vegetative buffering must be provided to screen, at ground level, the tower, including any accessory buildings and structures, from adjacent land uses. The preservation of existing mature vegetation, especially trees, is strongly encouraged by the Planning Board. If existing vegetation at the time of the application does not provide adequate buffering, as determined by the Planning Board, to minimize visual impact of the structure, the Planning Board may require the applicant to provide, at the applicant's expense, a visual impact analysis by a qualified professional, who will provide a written recommendation to the Planning Board for approval.

[2] All telecommunications facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area(s) to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.

- (3) Safety/Security.
  - (a) Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.
  - (b) Manually operated or motion-detecting security lighting is permitted.
  - (c) A chain-link (security) fence at least eight feet in height from the finished grade shall be provided around any tower.
  - (d) Access to tower(s) shall be through a lockable gate. Roof-mounted towers are exempt.

H. Additional standards and criteria.

- (1) Performance guarantee.
  - (a) Any application that requires Planning Board review and approval may be required to post a performance guarantee for the development, construction or modification of the WCF. The Planning Board shall determine whether or not a performance guarantee is required based on the Board's assessment of the potential of the project to cause the Town to incur expenses, such as to stabilize the site if the project is not completed.
  - (b) The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible, as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type of guarantee shall be approved by the Town Manager. The guarantee shall be released only as authorized by the Planning Board.
- (2) Guarantee for removal of abandoned wireless communications facilities.
  - (a) The applicant for a new tower shall post a performance guarantee in the form of a continuous corporate surety bond or an escrow account in favor of the Town equal to 125% of the estimated demolition and removal cost of the tower and associated facilities if abandoned at any time by the applicant. Estimates of demolition and removal costs shall be provided by an independent contractor and shall not be based on services being provided by Town employees and Town equipment.
  - (b) The amount of the guarantee shall be approved by the Planning Board and shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible, as determined by the Planning Board. All aboveground structures, equipment, foundations, guy anchors, utilities and access roads or driveways specifically constructed to service the tower, structures, equipment or utilities shall be removed, and the land returned to a condition as near to the original pre-construction condition as possible. The type of the guarantee shall be approved by the Board of Selectpersons. The Board of Selectpersons shall have the authority to require either a certified check payable to the Town of Raymond, a savings account passbook issued in the name of the Town or a faithful performance

bond running to the Town of Raymond and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectpersons.

- (c) All performance guarantees shall be on a continuous basis, with any provision for cancellation to include that a minimum thirty-day notice of cancellation or nonrenewal be sent by certified mail to the Town of Raymond. The performance guarantee covering such removal shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the Planning Board, for review of the cost of removal of the structure every five years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate so necessitate.

(3) Removal and storage of materials.

- (a) All used structural and electronic components shall be removed and properly disposed of once they have exceeded their useful life and are no longer in use. This standard includes, but is not limited to, removing used guy wires, used fence parts and structural components for towers.
- (b) Outside storage of materials shall not be permitted except as specifically approved by the Planning Board.

I. Alterations to existing facilities.

- (1) Alterations to new or existing conforming wireless communications towers. Any conforming wireless communications tower and its related buildings may perform normal maintenance and repairs without a permit from the CEO. Planning Board review and approval in accordance with the standards established in Subsection E, Planning Board review, is required if any of the following changes are proposed:
  - (a) Any increase in the number or size of antenna(s)/antenna array(s) or broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin #65;
  - (b) Any increase in tower height;
  - (c) Any change to tower lighting or existing buffering;
  - (d) Any change to the access road or the size (square feet or volume) of any structure on site.
- (2) Alterations to existing nonconforming wireless communications tower. Any change to a nonconforming wireless communications tower shall comply with the following standards:
  - (a) The normal maintenance of wireless communications towers existing as of the adoption of these standards is permitted, provided that all applicable standards are met; **[Amended 3-20-1999]**

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- (b) Any change except normal maintenance requires a permit from the CEO. This includes but is not limited to the replacement of any structural or functional component on or attached to a WCF;
- (c) Planning Board review is required as established in Subsection E(2), Planning Board review procedure, for any of the following alterations:
  - [1] An increase in tower height;
  - [2] Any change to tower lighting or existing buffering;
  - [3] Any change to the access road or the size (square feet or volume) of any structure on site.
- (d) If an applicant requests a permit from the CEO that has the effect of altering, repairing, maintaining or changing the WC tower to the extent that 50% or more of the construction cost of the tower would be replaced, repaired or altered during the past ten-year period, then Planning Board review in accordance with the procedure established in Subsection E(2), Planning Board review procedure, is required.
- (e) If Planning Board review is required as established above due to the 50% standard, the Planning Board shall have the authority to allow an existing tower to be altered, repaired, replaced or rebuilt, provided that the following conditions are met as determined by the Planning Board:
  - [1] The Planning Board shall not have the authority to allow an increase to the existing tower's nonconformity;
  - [2] The burden of proof shall be on the applicant to demonstrate to the Planning Board that the existing nonconforming tower cannot be changed to conform, as much as practical, to the present standards;
  - [3] The burden of proof shall be on the applicant to demonstrate to the Planning Board that it is not technically feasible to provide wireless communications service in accordance with the standards contained in this § 300-9.19, Wireless communications facilities. If the Planning Board determines that there is no technically feasible option of providing wireless communications service without allowing the nonconforming tower to be permitted, the Planning Board shall only allow the minimum amount of nonconformity necessary to permit the wireless communications service provider to provide the services to customers.
- (3) If an applicant proposes to increase the number or size of antenna/antenna array(s), add antenna/antenna array(s) or increase broadcast capacity (in excess of the exemption standards contained in FCC OET Bulletin #65) to an existing nonconforming wireless communications tower, Planning Board review and approval is required in accordance with the following guidelines:
  - (a) The applicant shall submit evidence to the Planning Board indicating whether or not the 50% standard established in Subsection I(2)(d) above will be met as a result of the proposed change. If the CEO determines that



the 50% standard will be exceeded as a result of the proposed change, the applicable review process is required;

- (b) If the CEO determines that the 50% standard will not be exceeded as a result of proposed change, the applicant shall submit the following information to the Planning Board for its review:
  - [1] Submission requirements contained in Subsection E(6), Submission requirements, Subsection E(6)(a), (b) and (c);
  - [2] Submission requirements contained in subsection E(6), Submission requirements, Subsection E(6)(f), (g), (i) and (k).
- (c) The Planning Board shall review the information submitted by the applicant and review the application in accordance with the following guidelines established in Subsection E(5), Planning Board review guidelines, Subsection E(5)(a), (d), (e), (g), (h), (k), (l), (p) and (r);
- (d) In reviewing an application under this Subsection I(3), the applicant shall design the proposed changes to meet the standards contained in this § 300-9.19 to the maximum extent feasible. This specifically includes the standards established in Subsection F(4)(a), Mounting and dimensions, and Subsection G, Performance standards. The Planning Board shall have the authority to determine whether or not the standards contained in this § 300-9.19 have been met to the maximum extent feasible;
- (e) The Planning Board shall have the authority to require the establishment of or revision to a performance bond(s) as established in Subsection H(1), Performance guarantee, and H(2), Guarantee for removal of abandoned wireless communications facilities.

#### J. Inspections.

- (1) Inspections of towers by either a registered professional engineer in the State of Maine or a qualified third party mutually agreed upon by the applicant and the Raymond CEO/Town Engineer shall be performed to assess structural integrity. Such inspections shall be performed as follows:
  - (a) Monopole towers. At least once every seven years following completion of construction. The inspection shall take place between the sixth and seventh year of the repeat sequence.
  - (b) Self-supporting towers. At least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
  - (c) Guyed towers. At least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.
- (2) The inspection report shall be submitted to the Town Engineer/CEO within 30 days of its receipt by the tower owner. Based upon the results of the inspection,

the CEO, upon recommendation by the Town Engineer/CEO, may require repair or demolition of the tower.

- (3) The cost of such inspections, reports, repairs or demolition required under this subsection shall be borne entirely by the tower owner. Required repairs shall be completed within 90 days or less as required by the CEO and agreement by the Town Engineer/CEO for safety reasons.
- (4) Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

K. Removal of abandoned wireless communications facilities.

- (1) The owner of a wireless communications facility shall notify the Code Enforcement Officer of the date of cessation of use of the facility or any component(s) thereof within one month from the date of such cessation. If the owner fails to give the notice required by this subsection, the Code Enforcement Officer shall make a determination of such date, which determination shall be conclusive.
- (2) Any WCF or component thereof that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of an abandoned WCF or component thereof shall remove it within 90 days of receipt of notice from the Code Enforcement Officer of determination of abandonment.
- (3) The applicant shall be required to post a performance guarantee in accordance with standards established in Subsection H, Additional standards and criteria.
- (4) If there are two or more users of a single tower or WCF, then this provision shall not apply until all users cease using the tower or WCF.
- (5) If all antennas above a manufactured connection on a tower are removed, the resulting unused portions of the tower shall subsequently be removed within six months.
- (6) The replacement of all or portions of a WCF previously removed requires a new site plan approval as established in Subsection E, Planning Board review.

L. Waiver provision. The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that, due to special circumstances of the application, the information is not required to determine compliance with the standards of this chapter. The Planning Board must additionally determine that such modification or waiver would not adversely affect properties in the vicinity or the general safety and welfare of the Town. The burden of proof regarding any such modification or waiver rests solely with the applicant and must be shown to be consistent with federal and state law and with the purposes of this chapter.

**§ 300-9.20. Back lots and back lot driveways. [Added 5-18-2002; amended 6-4-2013]**

A. General provisions.

- (1) Back lots may be developed for single-family residential use if they are served by a back lot driveway approved by the reviewing authority pursuant to with the following provisions.
  - (2) Reviewing authority. The "reviewing authority" is defined as the Code Enforcement Officer (CEO) or Planning Board. The CEO may grant permit approval under the provisions of this section; however, Planning Board permit approval shall be required for any application seeking a waiver of any submission requirements or any criteria of this section which are allowed to be waived. The CEO may require that any application be reviewed for approval by the Planning Board if, in the opinion of the CEO, the staff review is unable to adequately resolve all relevant issues raised by the back lot driveway application.
- B. The back lot driveway must be located within a right-of-way with a minimum width of 50 feet. The Planning Board may approve a back lot driveway right-of-way with a minimum width of 40 feet if it 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.
- C. 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.
- D. A back lot right-of-way shall be created only over a front lot that meets street frontage requirements along a street that is consistent with Town construction and design standards for a public or private street. Lot dimensional size requirements shall be consistent with the Town of Raymond Land Use Ordinance 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. The back lot right-of-way shall be considered the front of the lot for the purposes of determining the front setbacks for both the existing and newly created lot(s). 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 chapter, access to future buildings on the front lot shall be from the right-of-way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.
- E. A back lot driveway shall originate from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a public or private street. The back lot driveway design shall include a turnaround layout that meets the design standards in the Town of Raymond Street Ordinance and that will accommodate safe emergency vehicle access to the lot. A private street shall meet the minimum private street standards for the section of road 300 feet on both sides of the intersection where the back lot driveway originates. The Planning Board may waive this requirement to no less than 200 feet, if deemed adequate to maintain a safe site distance.
- F. If the front lot is already developed, the existing driveway shall be relocated to the back lot right-of-way unless there exists a minimum of 100 feet between the existing driveway and the newly proposed right-of-way, or the Planning Board determines that such relocation is prohibited by site conditions or the orientation of existing buildings.

- G. 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. In the event the creation of both back lots are not part of the same approved plan, 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 reviewing authority and a plan for driveway maintenance as described in Subsection H.
- H. If more than one residence is to have access to the back lot driveway, the application shall include a plan setting forth how the street and associated drainage structures and required buffers and stormwater management facilities are to be maintained. Responsibility may be assigned to a lot owners' association or to lot owners in common through provisions included in the deeds for all lots that will utilize the back lot driveway for access. The applicant shall submit appropriate legal documentation such as proposed homeowners' association documents or proposed deed covenants for reviewing authority review. This documentation must address specific maintenance activities such as summer and winter maintenance, long-term improvements and emergency repairs and include a mechanism to generate funds to pay for such work.
- I. 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 existing 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.
- J. The back lot must comply with all space and bulk regulations in the applicable zoning district as well as the lot standards of Article 9, § 300-9.21, of this chapter.
- K. The minimum travel way width of a back lot driveway shall be 12 feet, with one-foot shoulders. The maximum grade shall be 12%, with a maximum grade of 3% for the first 50 feet. The minimum grade shall be 0.5%. The roadway crown shall be 1/4 inch per one foot, except that the roadway crown shall be 1/2 inch per one foot for unpaved or gravel road surfaces. The minimum angle of the intersection of the back lot driveway with the roadway shall be 75°.
- L. All applications for a back lot driveway to be submitted for review by the reviewing authority shall include the following information:
- (1) Names of applicants and owners of land for the location of the proposed back lot driveway.
  - (2) A statement of any legal encumbrances on the land and a statement regarding any waivers requested for the location of the back lot driveway.
  - (3) The anticipated starting and completion dates.
  - (4) The plans shall be prepared by a registered land surveyor or engineer and shall include the following:
    - (a) Date, scale and magnetic or true North point.
    - (b) Locations of all existing and proposed overhead and underground utilities, including, but not limited to, water, sewer, electricity, telephone, fuel storage, lighting and cable television.

- (c) The plan shall include any back lots that are to be accessed by the proposed back lot driveway. Such lots shall conform to the requirements of § 300-9.21, and the plan shall include lot bearings, distances and proposed monumentation.
  - (d) Plans shall include a plan view and typical cross-section of the proposed back lot driveway, including a locus map with the locations of any streets or driveways located within 300 feet.
  - (e) Kind, size, location and material of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainageways. All drainage structures shall be designed and sized in accordance with a stormwater management plan prepared by a registered professional engineer in conformance with the requirements of Article 9, § 300-9.24 the Planning Board, an applicant may meet the requirements of the point system by allowing the use of land on abutting lots with proof of easement and a legally binding agreement assigning specific maintenance duties and responsibilities.
  - (f) A phosphorous impact plan must be included in the application package in conformance with the requirements of Article 9, § 300-9.24, for a back lot driveway entirely or partially located within 600 feet (horizontal distance) of the normal high-water line of a great pond or river, 250 feet (horizontal distance) of the upland edge of a freshwater wetland, or 100 feet (horizontal distance) of the normal high-water line of a stream, unless otherwise triggered by state or federal law.
  - (g) A soil erosion and sedimentation control plan in conformance with the requirements of Article 9, § 300-9.21E.
- M. If the reviewing authority determines that due to site conditions, proximity of nearby uses, traffic conditions or similar circumstances a public hearing is advisable, the CEO may refer the application to the Planning Board, which may schedule a public hearing at its next regularly scheduled meeting. The applicant shall submit plans and design information within at least 21 days prior to a scheduled Planning Board hearing. The Board shall cause notice of the date, time and place of such hearing to be given to the applicant and all property owners abutting the proposed back lot driveway and lots that are to be accessed by the back lot driveway, to be published in a newspaper of general circulation in the Town of Raymond at least seven days prior to the hearing.
- N. The reviewing authority shall review the application and determine whether it complies with the requirements of this section. The reviewing authority shall grant or deny approval on such terms and conditions as it may deem advisable to satisfy all applicable ordinances. In all instances, the burden of proof shall rest upon the applicant. In issuing its decision, the reviewing authority shall make a written finding of fact establishing that the application does or does not meet the provisions of applicable ordinances. The reviewing authority shall sign the approved plan. The applicant must record the approval in the Cumberland County Registry of Deeds within 30 days of approval. If the applicant does not record the approval within 30 days of approval, then the approval becomes void unless the recording period is extended by the reviewing authority for good cause shown.

- O. For front lots that are vacant on the effective date of this chapter, access to future buildings on the front lot shall be from the back lot driveway right-of-way. For the purposes of this section, the portion of the back lot driveway within the back lot may not be used to satisfy the back lot's minimum lot area requirement, and the applicable frontage requirement for the back lot shall be met by the portion of the back lot driveway within the back lot.

**§ 300-9.21. Lots. [Added 5-18-2002]**

With the exception of lots approved after the effective date of this chapter 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 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 section will be complied with.

- A. Lot dimensions and measurements.
- (1) 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 subsection do not apply to lots approved pursuant to the provisions of Article 13 for single-family cluster subdivisions.
  - (2) 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 rearmost points of the side lot lines in the rear.
  - (3) 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.
  - (4) 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. **[Amended 8-7-2007]**
- B. 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 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 subsection, "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.

- C. 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.
- D. Septic systems. **[Amended 12-2-2008]**
- (1) Septic tanks and disposal fields shall meet the setback distances from on-site and off-site features as required in the Maine Subsurface Waste Water Disposal Rules (Rules). In addition, on lots approved by the Planning Board under the provisions of the Raymond Subdivision Ordinance and for which a hydrogeologic assessment conforming to Article 8, Section 13 (Impact on Ground Water) of the Subdivision Ordinance has been submitted, septic tanks and disposal fields shall be located as shown on the approved subdivision plan.
  - (2) A minimum of two test pits shall be dug and recorded on the subsurface wastewater disposal system application, HHE-200 form completed by a Maine licensed site evaluator or licensed soil scientist for each bed area. The leaching bed design shall be based on the most restrictive of the test pits.
  - (3) An application for an individual septic system shall be completed by a State-licensed site evaluator in full compliance with the requirements of the Maine Subsurface Wastewater Disposal Rules.
  - (4) Plans for engineered wastewater disposal systems, as defined in the Maine Subsurface Wastewater Disposal Rules, shall be designed by a professional civil engineer and approved by the State of Maine Department of Human Services.<sup>16</sup>
  - (5) The local Plumbing Inspector may approve variances to well, septic system and property line setbacks consistent with the Maine Subsurface Wastewater Disposal Rules and based upon documentation provided by a licensed site evaluator (or professional with comparable expertise) that adjacent properties will not be adversely affected. However, minimum setback distances from water bodies for all new subsurface wastewater disposal systems shall not be reduced by variance.
- E. Erosion control.
- (1) Lots subject to Article 10, Site Plan Review, shall conform to the requirements of Article 10, §§ 300-10.4A(4)(aa) and § 300-10.6P. For all other lots, the applicant shall submit a site plan that demonstrates to the satisfaction of the Code

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16. Editor's Note: Now the Department of Health and Human Services.

Enforcement Officer that the project will comply with this standard. **[Amended 12-2-2008]**

- (2) 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.
- (3) Erosion can be minimized by:
  - (a) Diffusing stormwater where possible rather than concentrating it in ditches and culverts.
  - (b) Where water cannot be diffused, directing it to culverts and stabilized ditches of adequate capacity and diverting it around disturbed areas
  - (c) Minimizing the area of exposed soil at any time.
  - (d) Minimizing the creation of steep "cut" or "fill" slopes during construction but, where unavoidable, stabilizing slopes as soon as possible after disturbance.
  - (e) Preserving natural vegetative buffers between construction areas and water bodies.
  - (f) Maintaining maximum setbacks between construction and water bodies.
  - (g) Mulching bare soil immediately after disturbance.
  - (h) Reseeding as soon as possible.
- (4) The applicant shall submit an erosion and sedimentation control plan prepared in conformance with the Maine Erosion Control BMPs, Bureau of Land and Water Quality, Maine Department of Environmental Protection, March 2003 and as amended. **[Amended 12-2-2008]**
- (5) The plan must be prepared by a professional who is registered, licensed or certified in a related land use field, or by education, training or experience is knowledgeable in erosion and sedimentation control.

### **§ 300-9.22. Shipping containers.**

#### **A. Residential zoning districts.**

- (1) 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 months of the effective date of this chapter. 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.

- (2) 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 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-month extension of a shipping container permit may be granted at the discretion of the CEO.

B. Nonresidential zoning districts.

- (1) Shipping containers are permitted in nonresidential 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:
  - (a) 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.
  - (b) The total floor area of all shipping containers on a lot shall not exceed 700 square feet.
  - (c) They are located outside of any required setback, parking space or vehicle maneuvering area.
  - (d) They do not adversely affect sight distance at any point of access from the site onto a public or private way.
  - (e) They do not adversely affect stormwater flow across the site.
- (2) A property owner may apply for a shipping container permit from the Code Enforcement Officer (CEO) to continue use of shipping containers on a nonresidential 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 months of the effective date of this chapter. 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 B(1)(a) through (e). In the event the site does not comply with one or more of the Subsection B(1) standards, the application shall include a written plan demonstrating how the site will be brought into conformance within three months of issuance of a shipping container permit. If the CEO determines that the site has not been brought into compliance with the Subsection B(1) standards within this time period, he/she may revoke the shipping container permit and order all shipping containers removed from the site.
- (3) 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 30 days after the completion of the construction project. **[Added 5-15-2004]**

**§ 300-9.23. Multifamily development.**

- A. Purpose. These provisions are intended to promote a unified development which will be in harmony with surrounding uses. Multifamily subdivisions are considered to be the same as multifamily developments and must conform to the standards set forth in this section.
- B. Location. Multifamily cluster subdivisions shall be permitted only in the Village Residential District.
- C. Space and bulk requirements.
  - (1) A buffer strip of at least 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;
  - (2) A buffer strip of at least 250 feet shall be required for subdivisions bordering a lake, river or in any other area with shoreline frontage;
  - (3) 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 4, § 300-4.1D, shall be maintained.
- D. Recreation and open space requirements.
  - (1) Depending on the size and location of the subdivision, the Planning Board may require the developer to provide up to 10% of the total area for recreation. It is desirable that areas reserved for recreation are at least one 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 condominium or homeowners' association.
  - (3) Open space areas, except for the required buffer strip of 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) 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 stands 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 individual building design shall be encouraged to achieve the best possible relationship between development and the land;
- (g) 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) 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 units in multifamily 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 responsibility of all unit owners. A condominium or homeowners' association shall be organized, one of the purposes of which 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 51% of all 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 multifamily rental developments are responsible for maintenance.

**§ 300-9.24. Stormwater quality and phosphorous control. [Amended 12-2-2008]**

A. Findings and intent.

- (1) The direct discharge of stormwater from ditches, swales and developed sites to streams and lakes can contribute to water pollution as stormwater can contain sediment, nutrients such as phosphorus, hydrocarbons and other harmful substances. These impacts can contribute to degraded water quality or promote algae blooms, further depleting necessary components to maintain a safe and effective ecosystem. Increased stormwater runoff flows can also damage roads, ditches, culverts and other drainage structures that are not designed to accommodate storm flows. These problems can worsen when an undeveloped woody or well-vegetated site is cleared for development since stormwater that was previously intercepted by vegetation and absorbed into the ground is allowed to flow more freely across and ultimately off the site. The closer post-project proposed stormwater flows are kept to pre-project original undeveloped conditions in terms of volume, rate, timing and pollutant load for the area encompassed by a project, the less likely that stormwater will damage the site, or public or private property, or cause harm to water bodies.
  - (2) The introduction of excessive amounts of phosphorus from developed areas into lakes and ponds has been identified as a significant threat to water quality. The introduction of stormwater quality treatment Best Management Practices (BMPs) can minimize impacts to receiving wetlands and water bodies. The preferred stormwater treatment BMP for residential lots is the incorporation of naturally vegetated buffers whenever site conditions are suitable. Alternative stormwater treatment BMPs for residential lots, such as but not limited to infiltration, bioretention measures, soil filter swales, and wetponds which should be used when site conditions on the lot prevent the effective use of buffers.
  - (3) The purpose of this standard is to maintain the water quality of the area's lakes, ponds and streams by preventing the introduction of excessive amounts of pollutants to water bodies.
- B. Applicability. This section shall apply to all development, construction, alteration or building on lots, where any portion of the lot is within 600 feet of a great pond, as measured from the normal high water mark, or 100 feet of a perennial stream, as identified on a USGS map. Projects that must meet this standard include, but are not limited to:
- (1) All lots subject to site plan review, including any additions, modifications or new commercial, retail, industrial, institutional and/or recreational structures and uses that have not received prior approval by the Planning Board that included a phosphorus export analysis or a stormwater plan that meets the applicable requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.
    - (a) All such lots subject to Article 10, Site Plan Review, shall conform to the requirements of Article 10, §§ 300-10.4A(1)(n) and 300-10.5A(5), in addition to the provisions of this section.
    - (b) Except for minor developments and minor modifications, for which Planning Board approval is not required, and the Planning Staff may approve, all projects subject to site plan review shall submit a phosphorus export analysis and calculations based on Phosphorus Control in Lake

Watersheds: A Technical Guide to Evaluating New Development (latest edition), issued by Maine DEP. Minor developments and minor modifications subject to planning authority review only shall use the point system in Subsection C(1). **[Amended 6-7-2016]**

- (2) New residential structures and uses that have not received prior approval by the Planning Board that included a phosphorus export analysis, or a stormwater plan that meets the requirements of the State of Maine Chapter 500 Stormwater Rules, Stormwater Standards, as amended.
  - (3) 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.
- C. Application review. The applicant shall submit a site plan that demonstrates to the satisfaction of the applicable planning authority of either the Planning Board or the Planning Staff (Code Enforcement Officer and Planner) that the project will comply with this standard. Such plans shall be completed by the applicant, or qualified designer, or design professional, with stormwater design and management expertise. The planning authority shall review the stormwater and phosphorus management plan and approve a permit based on one of the following methods. If the planning authority determines, because of particular circumstances of the property, that a third-party review of the stormwater and phosphorous management control plans would help achieve the purposes of this chapter, the planning authority may require review and endorsement of such plans by a third party qualified in stormwater design and management, or State of Maine professional engineer to conduct such review, the cost of which shall be borne by the Applicant. **[Amended 6-7-2016]**
- (1) Point system.
    - (a) Point credits. The planning staff or authority shall issue a stormwater and phosphorus management control permit if the applicant meets or exceeds 50 points based on the following point schedule. The applicant shall submit a sketch plan of the lot showing how each of the following point credits, or deductions, applies to the proposed development. The sketch plan shall show approximate locations and dimensions of each stormwater BMP, or other measure.
      - [1] For correcting an existing erosion problem on the project site, as approved by the CEO: 10 points.
      - [2] For a building footprint less than 1,500 square feet: 10 points.
      - [3] For a clearing limitation of less than 20% of the lot, or 15,000 square feet, whichever is less: 10 points; or 20 points for a clearing limitation of less than 15% of the lot, or 10,000 square feet, whichever is less.
      - [4] For the installation of rock-lined drip edges or other infiltration system to serve no less than 50% of the new impervious area on the

site: 15 points. Test pit information certified by a licensed site evaluator, or a professional engineer, must show that three feet of separation exists between the seasonal high groundwater table and the bottom of any proposed infiltration structure. Infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs); or

25 points for the installation of rock-lined drip edges or other infiltration system to serve no less than 75% of the new impervious building area on the site. Test pit information certified by a licensed site evaluator, or a professional engineer must show that three feet of separation exists between the seasonal high groundwater table and the bottom of any proposed infiltration structure. Soil filtration or infiltration systems must be sized to accommodate one inch of runoff from contributing impervious areas within the structure (this will include an assumption of 30% void space in washed stone) and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs); or

- [5] For the installation of rain gardens soil filtration system, or wet-pond design to serve no less than 50% of the total new impervious area on the site: 25 points. Rain gardens, soil filter and wet-pond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six-inch ponding area, and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs); or

40 points for the installation of rain gardens soil filtration system, or wet-pond design to serve no less than 75% of the new impervious area on the site. Rain gardens soil filter and wet-pond systems shall be sized to accommodate one inch of runoff from contributing impervious areas within the six-inch ponding area, and designed in accordance with the details following approved engineering practices and techniques as published by the Maine Department of Environmental Best Management Practices (BMPs).

- [6] For a fifty-foot-wide (no greater than 15% slope) wooded buffer strip, or a seventy-five-foot-wide vegetated buffer (no greater than 8% slope) strip located downgradient and adjacent to the developed area: 30 points; provided there is no channelization within the buffer; or

For a seventy-five-foot-wide (no greater than 15% slope) wooded buffer strip, or a 100-foot-wide vegetated buffer (no greater than 15%

slope) strip located downgradient and adjacent to the developed area: 35 points; provided there is no channelization within the buffer; or

For a 100-foot-wide (no greater than 15% slope) wooded buffer strip, or a 150-foot-wide vegetated buffer (no greater than 15% slope) strip located downgradient and adjacent to the developed area: 40 points; provided there is no channelization within the buffer.

- (b) Point deductions. The reviewing authority will deduct points based on the following point schedule:
  - [1] Five points deducted for a new structure footprint exceeding 2,000 square feet, and an additional five points deducted for each additional 500 square feet of structure footprint.
  - [2] Five points deducted for over 20,000 square feet of disturbance, and an additional five points deducted for each additional 5,000 square feet of disturbance.
- (2) Alternate means of calculation. In those cases where the planning authority determines that use of the points system is inadequate to achieve the purposes of stormwater and phosphorous management control or is otherwise inappropriate because of particular circumstances of the property, the planning authority may assess conformance with this standard based on the following:
  - (a) Phosphorus export calculations based on Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (latest edition), issued by the Maine DEP. Any such design must be certified by a licensed professional engineer.
  - (b) A stormwater management plan designed in accordance with Section 4B of the State of Maine Chapter 500 Stormwater Regulations, General Standards (June 6, 2006, and as amended). Any such design must be certified by a licensed State of Maine professional engineer.
  - (c) A licensed State of Maine professional engineer certifies that the proposed treatment measure matches or exceeds the performance of the treatment measure under the specific point system allowance. It shall be the engineer's responsibility to provide evidence that the measure has been approved by the Maine Department of Environmental Protection or provides other certification into comparable treatment by professional testing results.

**§ 300-9.25. Clearing of vegetation for development. [Added 3-21-1998; amended 7-14-2021]**

- A. 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 15,000 square feet, whichever is greater, including land previously developed, without site plan approval from the Planning Board for any clearing, removal of vegetation, stumps or regrading above this threshold.

- B. If the development wishes only to cut or harvest trees in excess of the threshold, then a permit must be obtained from the Code Enforcement Officer for cutting trees or vegetation.
- (1) When proposing to cut or harvest trees in excess of two acres, a copy of a Maine Forest Service forest operations notification (FON) form shall be provided to the Town Code Enforcement Officer.
  - (2) When proposing cutting or tree harvesting areas under two acres, a written notification shall be provided to the Town Code Enforcement Officer indicating the proposed area(s) to be cut or harvested, along with the parties undertaking the tree cutting operation, a listing of the equipment used, schedule for the operation to be completed, with dated signatures of the landowner and tree removal operations supervisor responsible.
- C. This standard shall not supersede any restrictions or conditions of approval for development previously required for residential subdivision lots, or commercial site plans, nor apply to property in Shoreland Zones. Exemptions from this standard shall be granted for agricultural purposes, personal utility equipment and for private solar power generation or panel installations.

**§ 300-9.26. Accessory apartments. [Added 6-3-2015]**

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 15%. The Appeals Board may grant an additional 5%. If the total number of bedrooms or potential bedrooms exceeds by more than one the number of bedrooms the septic system is designed for, a replacement or expanded system shall be designed and installed before occupancy. The accessory apartment shall not comprise more than 700 square feet of living space, excluding stairways. Not more than one accessory apartment shall be permitted per parcel.

**§ 300-9.27. Solar energy systems. [Added 6-14-2022]**

- A. Purpose. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy loads. Energy generated from solar energy systems can be used to offset energy demand on the regional grid where excess solar power is generated. The use of solar energy equipment for the purpose of providing renewable energy sources is a power generation priority and is a necessary component of the latest state and federal energy policies. The standards that follow enable the accommodation of solar energy systems, and equipment to be installed in a safe manner with minimal impacts on the environment and to neighbors. This section shall not apply to solar systems for individual landowners or residents, which can be reviewed and permitted by the Code Enforcement Officer without the need for site plan review.
- B. Submission requirements. In addition to the submission requirements of Article 10, all solar energy systems are subject to site plan review and must submit materials as outlined below:
- (1) Plan and elevation depictions of a typical panel and mounting and any other structures proposed as part of the solar energy system.



- (2) General specifications of the system, including dimensions and number of panels, estimated power generation, description of mountings and any other information needed to evaluate compliance with this section.
  - (3) Certification that the solar energy system is compliant with the National Electrical Code and State Electrical Code, as applicable.
  - (4) A site plan that meets the requirements of Article 10 of the Land Use Ordinance for the Town of Raymond, Maine, with the added requirement of:
    - (a) The location of the proposed solar energy system and any fencing, screening, access roads and turnout locations, substation(s), accessory equipment to the system and all electrical cabling from the system to other structures, substations or utility grid connections
  - (5) The applicant shall provide a copy of the site plan review application, including a project summary, electrical schematic and site plan, to the Fire Chief or his/her designee for review and approval. The Fire Chief shall base any recommendation for approval or denial of the application upon review of the fire safety of the proposed system. Based upon the size, location or on-site fire and life safety hazards, a fire protection water supply may be required at the discretion of the Fire Chief or his/her designee. Upon request, the owner or operator shall cooperate with the Fire Department in developing an emergency response plan.
  - (6) Any other approvals from local, regional, state or federal agencies that may be required. Letters, permits or approvals from these agencies shall be included as a part of the application and/or review. The Planning Board may choose to accept copies of applications awaiting approval. In this case, any local approval granted by the Planning Board shall be conditioned such that no construction or building permits will be issued until all outstanding approvals have been granted.
  - (7) Ground-mounted solar energy systems with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall also submit a decommissioning plan, including an estimated cost and a guarantee suitable to ensure decommissioning comparable with the performance guarantee format in Article 10, § 300-10.3E of this chapter. The Planning Board may waive this requirement.
- C. Required notification.
- (1) All solar energy systems located within two miles of any public or private aircraft launch locations must notify the airport via certified mail that an application has been submitted to the Town. This notification must include the location and size of the proposed system.
  - (2) All ground-mounted solar energy systems with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall notify abutters in accordance with the requirements of Article 10, § 300-10.3A(7), Public hearings and notification.
- D. Visual impact assessment. When necessary, based on the project's overall size, location, surrounding uses, or other characteristics of the proposed use or site, the Planning

Board may require the submittal of a visual impact assessment. The study shall be prepared by a Maine licensed landscape architect or other professionals with experience with visual impact assessments. The visual impact assessment shall, at a minimum, include the following elements:

- (1) A visual description of the project covering all physical elements that may be visible from public viewpoints.
- (2) Identification and characterization of publicly accessible scenic resources near, or potentially impacted by, the proposed project. This should include any resources of local, state or national significance.
- (3) Determination of the type and extent of any impact on the identified scenic or historic resources. If a project is deemed to be visible from a scenic resource, the Planning Board may require a visualization of the project from a representative point within the resource.
- (4) Description of any proposed mitigation measures such as berms, landscaping screens and buffers, or low-visibility materials that may be used to minimize potential visual impacts from the project.

E. Dimensional standards.

- (1) Height.
  - (a) Building-mounted solar energy systems shall not be considered as contributing to building height, provided that they are erected only to such height as reasonably necessary.
  - (b) Ground-mounted solar energy systems shall not exceed the maximum building height restrictions for the zone in which they are located.
- (2) Setbacks. Solar energy systems shall meet the structure setbacks of the zone in which they are located, except when no other appropriate place on the site exists for the solar energy system to operate as determined by the Planning Board. If no other appropriate location on the site for the system exists, setbacks shall be:
  - (a) Setbacks of five feet from a side or rear lot line shared with a right-of-way or utility corridor, provided the system will not impact visibility along a travel way; or
  - (b) Half the required setback in that zone
- (3) Impervious surface ratio. All structures, roads and other impervious surfaces associated with a solar energy system shall count towards the maximum impervious surface ratios of the zone in which the system is located. Building-mounted solar energy panels do not change the impervious surface of the building to which they are attached. Ground-mounted solar panels will not be considered impervious surfaces, provided that they meet the following criteria:
  - (a) Panels must be positioned to allow water to run off their surfaces.
  - (b) Soil with adequate vegetative cover must be maintained under and around the panels.

- (c) The area around the panels must be adequate to ensure proper vegetative growth under and around the panels.

F. Other standards.

- (1) A licensed electrician shall connect solar energy systems to transmission lines, electrical equipment or any residence or other structure to which power is being provided.
- (2) Solar energy systems must meet all applicable Building and Fire Codes.
- (3) Solar panels are designed to absorb (not reflect) sunlight; and, as such, solar panels are generally less reflective than other varnished or glass exterior housing pieces. However, solar energy system design and placement should be prioritized to minimize or negate any solar glare onto nearby properties, roadways or flight paths to the extent practical.
- (4) Exterior lighting shall be limited to fully shielded or cutoff style fixtures, so as not to contribute to light pollution, sky glow and glare.
- (5) For Ground-mounted solar energy systems, all on-site electrical wires connecting the system to other structures or to utility connections shall be installed underground except for "tie-ins" to public utility company transmission poles, towers and lines. This standard may be modified by the Planning Board during site plan review if the project terrain is determined to be unsuitable due to reasons of need, such as excessive excavation, grading or similar factors.
- (6) For ground-mounted solar energy systems, all means of shutting down the system shall be clearly marked. The owner or operator shall provide to the Code Enforcement Officer and the Fire Department the name and contact information of a responsible person for public inquiries throughout the life of the installation. The owner or operator shall cooperate with the Fire Department to ensure there is safe emergency access to the site.

G. Decommissioning and abandonment.

- (1) A ground-mounted solar energy system with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet, that has reached the end of its useful life or has been abandoned consistent with this section, shall be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Code Enforcement Officer by certified mail of the proposed date of discontinued operations and plans for removal. The Code Enforcement Officer may grant a one-time extension of up to an additional 180 days at the request of the owner or operator of the system.
- (2) Decommissioning shall consist of:
  - (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site that will not be used by other approved uses on the site.

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- (b) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
  - (c) Stabilization and/or revegetation of the site as necessary to minimize erosion. The Code Enforcement Officer may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (3) A ground-mounted solar energy system with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall be considered abandoned when it fails to operate for more than one year. The Planning Board may extend this initial period for an additional 24 months at the request of the owner of the system and with the consent of the landowner and/or operator, if different from the system owner.
- (4) Unless waived by the Planning Board as allowed under Article 10, § 300-10.3E, an applicant for site plan review of a ground-mounted solar energy system with a physical size based on a projected total surface coverage area that is greater than 10,000 square feet shall submit a method for ensuring the decommissioning of the system. This may take one of the following forms:
- (a) A performance guarantee in the amount of 125% of the expected decommissioning costs, including inflation over the expected life of the system, 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 in the name of the Town of Raymond, or some other form of surety that is acceptable to the Town Manager.
  - (b) A binding, contractual guarantee such as in a lease agreement between a system owner and landowner which requires that the solar energy system be decommissioned in accordance with this section and identifies a party responsible for the decommissioning.
  - (c) Other legally enforceable agreements acceptable to the Planning Board.
- (5) If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning as approved by the Code Enforcement Officer, the Town retains the right to use the performance guarantee or other available means to cause an abandoned, hazardous or decommissioned ground-mounted solar energy system to be removed.

ARTICLE 10

**Site Plan Review**

**§ 300-10.1. Purpose.**

- A. The purpose of site plan review is to ensure that the design and layout of commercial, retail, industrial or institutional uses or multifamily residential development will

constitute suitable development and will not result in a detriment to the Town of Raymond or to the environment.

- B. 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:
- (1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of the development;
  - (2) Discourage monotonous, drab, unsightly, dreary and inharmonious developments;
  - (3) Conserve the Town's natural beauty and visual character and charm by ensuring 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;
  - (4) 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;
  - (5) Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
  - (6) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;
  - (7) 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;
  - (8) 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.

**§ 300-10.2. Authority; classification of site plans. [Amended 6-2-2009]**

- A. Except for single-family dwellings, duplex dwellings, accessory uses to single-family or duplex dwellings, maintenance of an existing building or facility or interior renovations to an existing building or facility which do not change the use(s) or increase the amount of parking required under Article 9, § 300-9.3, no building permit shall be issued for a new building, a new facility, an exterior renovation to an existing building or facility, any alteration to or addition of impervious areas or any substantial change to the use of an existing building or facility until the plans, drawings, sketches and other documents required under this article have been reviewed and approved in accordance with the site plan review provisions set out in this section below.
- B. Site plan reviews shall be classified by the Town Planner as follows:
- (1) Staff review. A site plan application shall be classified as a "staff site plan review" so long as, in any two-year period: **[Amended 6-3-2014]**

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- (a) Any new building or any additions to existing buildings proposed by the application are more than 500 square feet but do not exceed 2,400 square feet of new gross floor area; and
  - (b) Any exterior building renovations proposed by the application do not exceed 2,400 square feet of building surface area; and
  - (c) Any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 10,000 square feet;
  - (d) The proposed development project includes the development of back lots and/or construction of back lot driveways under Article 9, Minimum Standards, § 300-9.20. **[Added 6-6-2017]**
- (2) Minor review. A site plan application which exceeds the thresholds for staff site plan review shall be classified as a "minor site plan review" so long as, in any period:
- (a) Any new building or any additions to existing buildings proposed by the application do not exceed 4,800 square feet of new gross floor area; and
  - (b) Any exterior building renovations proposed by the application do not exceed 4,800 square feet of building surface area; and
  - (c) Any additional or altered impervious surface proposed by the application does not exceed, separately or in combination, 20,000 square feet;
  - (d) The proposed development project includes new construction, or alteration to or the extension of a private or public street which does not warrant review under the Town of Raymond Subdivision Regulations. **[Added 6-6-2017]**
- (3) Major review. All other projects subject to site plan review shall be classified as a "major site plan review."
- C. Site plan amendments and revisions shall be classified by the Town Planner as follows. **[Added 6-3-2015]**
- (1) "De-minimus revisions," which include minor field revisions to an existing site plan that are handled by the Code Enforcement Officer and have little to no effect on the project. No public or abutter notices are required, and a de-minimus review may include up to three different entities or separate revisions under one review.
  - (2) "Staff review revisions" include site plan revisions such as moving parking spaces, modifying a building orientation, revising landscaping or buffers or essentially any modification that keeps the area equal or less for structural revisions, or that maintain the minimal intent of other site plan requirements but may modify, revise or alter the location or orientation such that no waiver of a site plan requirement is necessary. No abutter notices are required.
  - (3) "Minor site plan revisions" are those that keep the accumulated improvements to an existing site plan for new additions or buildings or site surface changes to that

which are at or below the minor site plan review over any five-year period, or plan revisions that alter the intensity of use, or alter impacts to the site such that staff feels that any one of the site plan requirements has been substantially altered from that which was originally approved.

- (4) "Major site plan amendments" are those which will trip the minor plan site plan review thresholds to a major site plan review over any five-year period.
- D. The applicant may reclassify an application from a staff site plan review to a minor site plan review, and may request a hearing by the Planning Board, even if the amount of area proposed to be developed or renovated is under the threshold that would trigger Planning Board review, and even if staff has been in the process of reviewing the application. However, in order to do so, the applicant shall provide all submission materials required for a minor site plan review as set out in § 300-10.3C(2) below.
- E. The staff may require that any site plan application be reviewed by the Planning Board as a minor site plan review, even if the amount of area proposed to be developed or renovated is under the threshold that would trigger Planning Board review, if the staff review process is unable to adequately resolve all relevant issues raised by the site plan review process.
- F. The Planning Board may, by majority vote, reclassify a minor site plan item on the agenda to a major site plan if the Board determines that there is credible conflicting technical information regarding the approval criteria, that the subject matter of the application is of significant public interest or that the application has generated a high level of interest in the immediate vicinity of the site.
- G. 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 chapter.

**§ 300-10.3. Administration. [Amended 6-2-2009]**

- A. The following procedure and requirements shall apply to all applications for site plan review:
- (1) Pre-application staff meeting required in the Commercial District. All applicants intending to file a site plan review application for property located in the Commercial District shall, prior to filing an application, meet with Town planning and code staff (or any other staff deemed to be necessary by the Town for providing input on a proposal) to informally discuss the proposed project, the Town's design guidelines and site plan review criteria. The purpose of the meeting shall be to exchange information, to seek to identify issues in advance of detailed project design and to discuss potential alternatives.
  - (2) Planning Board pre-application meeting - optional. Prior to formal application, an applicant may request an informal review of the site plan by the Planning Board to discuss the proposed project and the site plan review criteria, to determine its

compliance with Town regulations and to identify significant issues which will require additional analysis. This option is available to all applicants regardless of the classification of the site plan as described above. Such a request shall be in writing and submitted at least 26 days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

- (3) Applications. 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. **[Amended 6-3-2014]**
- (a) The application for site plan review shall be accompanied by the following fees:
- [1] Application fees as established by the Board of Selectmen and listed in the Town Fee Schedule.
- [2] Escrow fees as established by the Board of Selectmen and listed in the Town Fee Schedule. The fees shall be submitted and deposited in an escrow account established by the Town, which monies may be used by the Town to pay for professional legal and technical reviews and advice related to the developer's application, as well as post-approval inspections, consultations and reviews of modifications, as deemed necessary by the Town for minor and major site plan applications. Said fees for professional reviews and advice shall include, but shall not be limited to, engineering or other professional consulting fees, attorney fees, recording fees and appraisal fees.
- [a] The total escrow fees required shall be an amount estimated by the consultants and the Town as sufficient to pay for the professional review of the application. If the Town expends more than 50% of the escrow account prior to completing its review, the developer shall replenish the escrow account to an amount estimated by the consultants as sufficient to complete the review. Those monies deposited by the developer and not spent by the Town in the course of its review shall be returned to the developer within 60 days after a certificate of occupancy is issued for the project. The Town may, in its sole discretion, release the remaining escrow fees prior to the issuance of the certificate of occupancy if it determines that all professional reviews have been completed.
- (b) Fifteen copies of the completed application for site plan review, together with the documentation required in these regulations, shall be submitted at least 26 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.
- (4) Design guidelines.



- (a) The Town of Raymond Design Guidelines ("Design Guidelines") shall be reviewed and considered by all applicants proposing a site plan project located anywhere in the Commercial District. The Design Guidelines shall be considered by the Planning Board and the staff when evaluating any site plan project located anywhere in the Commercial District.
  - (b) The Design Guidelines are not ordinance requirements but are intended to assist applicants in designing projects which will comply with the ordinance requirements. Relevant portions of the Design Guidelines shall be considered, along with other relevant materials, by the Planning Board and the staff, as guidance in determining whether an application meets the site plan criteria and standards in § 300-10.5 and the site plan performance standards of § 300-10.6.
- (5) Peer review process [**Amended 6-3-2014**]
- (a) The Town may require a third-party peer review for site plan applications as set forth in Subsections B, C and D below. A peer review is the review of an application by a third-party expert consultant(s), other than the Town's contract planner, and a report by the consultant(s) as to compliance or noncompliance with this chapter, including adherence to Design Guidelines, and advice by the consultant(s) regarding procedures or submissions which could result in compliance. The consultants shall be fully qualified to provide the required information.
  - (b) The consultant(s) shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost, which the Town shall place in the project escrow account referenced in Subsection A(3)(b)[2] above. The consultants shall be fully qualified to provide the required information.
- (6) Timely action. Within 100 days of the receipt of a completed application, the reviewing authority shall act to approve or disapprove the site plan as submitted or amended.
- (7) Public hearings and notification.
- (a) 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 days prior to the hearing. Further notice shall be sent by mail to property owners abutting the proposed project at least seven days prior to the hearing.
  - (b) Site plan applications that are classified as a staff site plan review, shall not be required to receive a public hearing unless the application is heard and decided by the Planning Board. However, the Town shall give notification of the nature of applications that are classified as a staff site plan review, and the time and manner in which to review or comment on the application, by mail to the owners of all abutting property within 14 days of the date

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upon which the application is received and at least seven days in advance of any final action on the application.

- (8) Approval part of building permit applications. One copy of the approved site plan shall be included in the application for a building permit.
- (9) Communication with Historic Preservation Commission. 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 reviewing authority be notified of any comments. The applicant shall submit to the reviewing authority proof of such notification, including a copy of the letter to the State Historic Preservation Officer.
- (10) Expiration of approval.
  - (a) Site plan and subdivision plan approvals shall expire and be void if the construction activity associated with the approval is not commenced within two years, and completed within four years, after the date of the site plan or subdivision plan approval unless the reviewing authority, at the time of approval, establishes a different completion schedule, but in no case shall the initial approval period exceed five years to commence and complete. A property owner/developer or their agent may request an extension of the period to commence and/or complete construction by submitting a request to the reviewing authority that issued the site plan or subdivision plan approval prior to the expiration of the initial term of approval. The reviewing authority may grant a one-time extension of up to two years to commence and/or complete construction. If construction is not commenced or completed within the approval time frame, the applicant must reapply for and receive approval prior to beginning or continuing construction.
  - (b) Projects approved as phased developments shall only be approved by the Planning Board, and the above expiration of approval terms shall apply to any one phase of construction activity.
  - (c) For the purposes of this section, this section, "commencement of construction" shall be defined to include, but not be limited to, any land/site or vegetation clearing, site disturbance, stockpiling or excavation of soil on the site property, or building expansion or alterations in accordance with the approved plans. The determination of whether construction has commenced shall be in the sole discretion of the Code Enforcement Officer. **[Amended 6-6-2017]**

B. The following procedure and requirements shall apply to staff site plan review: **[Amended 6-3-2014]**

- (1) Review process.
  - (a) Staff site plan review shall be conducted at a meeting attended by the Town's contract planner and the Code Enforcement Officer (the "staff reviewers"), or their designee. The staff reviewers may seek input from other Town departments, including the Fire Department and the Public

Works Department, as needed. For applications classified as staff site plan review developments, the staff reviewers shall have the same powers and duties as the Planning Board. Completed and timely submitted applications classified as staff site plan review developments shall be reviewed and acted on by the next regularly scheduled plan review meeting following the submission deadline.

- (b) The staff reviewers shall approve, approve with conditions or deny the application based on criteria in Article 10 of the Land Use Ordinance. In the event that the Town's contract planner and the Code Enforcement Officer are unable to jointly make a determination on the application, the Code Enforcement Officer shall, after receiving and considering the recommendations of the Town Planner, have the authority to approve, approve with conditions or deny the application based on criteria in Article 10 of the Land Use Ordinance. Any appeals from the decisions of the staff site plan review shall be taken directly to the Planning Board within 30 days of decision.
- (2) Submission requirements.
- (a) Applications classified as staff site plan review developments shall be required to submit application materials in accordance with the requirements in § 300-10.4 below, except as follows. The following items listed in § 300-10.4A shall not be required unless the staff reviewers deem any of those items reasonable and necessary to ensure that the requirements of the ordinance are met and the staff reviewers specifically request those items:
    - [1] [Subsection A(2)] Narrative descriptions explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant's project.
    - [2] [Subsection A(3)(f)] A surveyed topographic map of the site showing existing and proposed contours at no more than two-foot intervals.
    - [3] [Subsection A(3)(g)] Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees.
    - [4] [Subsection A(3)(i)] Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow.
    - [5] [Subsection A(3)(j)] Existing soil conditions and soil suitability test results for septic waste disposal.
    - [6] [Subsection A(3)(l)] Proposed traffic circulation and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
    - [7] [Subsection A(3)(n)] A stormwater management plan.
    - [8] [Subsection A(3)(q)] Existing and proposed planting, fences and walks, including all landscaping and screening.

- [9] [Subsection A(3)(w)] Description and plan of a "phase development concept" detailing the areas and sequence of phasing.
- [10] [Subsection A(3)(y)] Information on the amount and types of waste to be generated or materials to be stored, used, transported or applied and the precautions, safeguards or methods that will be used to minimize the potential for groundwater contamination;
- [11] [Subsection A(3)(z)] 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.
- (b) The staff reviewers may require the applicant to submit additional studies or reports which it deems reasonable and necessary to ensure that the requirements of the ordinance are met. The costs of all such studies or reports shall be borne by the applicant.
- (3) Review criteria.
- (a) For applications classified as staff site plan review developments, only the portions of the lot or lots being proposed for development, or portions of any lot or lots under the common ownership or control of the applicant which will, or are likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan criteria and standards in § 300-10.5 and the site plan performance standards of § 300-10.6.
- (b) For purposes of this subsection, "substantial change of use" shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage or sewage disposal, or an increase in the amount of parking required under Article 9, § 300-9.3.
- (4) Planning Board pre-application meeting.
- (a) Prior to formal application for staff site plan review, an applicant may participate in an informal pre-application meeting with the Planning Board as set out in Subsection A(2) above.
- (b) In the event that issues arise in the course of the staff site plan review process that have not been resolved after consideration at two regularly scheduled plan review meetings, the staff reviewers may recommend an informal meeting with the Planning Board to discuss the proposed project, the unresolved issues and the site plan review criteria to determine the application's compliance with Town regulations and to attempt to resolve the issues. The applicant may accept this recommendation, in which case the applicant shall make a request in writing and submitted at least 26 days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.

- (c) If the applicant does not accept this recommendation, the staff reviewers may make the recommendation to the Planning Board at its next regular meeting. If the Planning Board accepts the recommendation to conduct an informal meeting with the applicant, then the applicant shall make a request in writing and submitted at least 26 days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.
- (5) Peer review. The peer review process is not required for applications classified as staff site plan review developments but the staff reviewers may require a third party peer review of any aspect of the site plan review if the staff review process is unable to adequately resolve relevant site plan review issues and the staff determines that a peer review may resolve those issues.
- C. The following procedure and requirements shall apply to minor site plan review: **[Amended 6-3-2014]**
  - (1) Review process. Applications classified as minor site plan review developments shall be reviewed by the Planning Board. Completed and timely submitted applications classified as minor site plan review developments shall be reviewed and acted on at the next regularly scheduled Planning Board meeting following the submission deadline.
  - (2) Submission requirements.
    - (a) Applications classified as minor site plan review developments shall be required to submit application materials in accordance with the requirements in § 300-10.4 below except as follows. The following items shall not be required unless the Planning Board deems any of those items reasonable and necessary to ensure that the requirements of the ordinance are met and the Planning Board specifically request those items:
      - [1] [Subsection A(3)(f)] A surveyed topographic map of the site showing existing and proposed contours at no more than two-foot intervals;
      - [2] [Subsection A(3)(l)] Proposed traffic circulation and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours;
      - [3] [Subsection A(3)(n)] A stormwater management plan;
      - [4] [Subsection A(3)(z)] 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.
    - (b) The Planning Board may require the applicant to submit additional studies or reports which it deems reasonable and necessary to ensure that the requirements of the ordinance are met. The costs of all such studies or reports shall be borne by the applicant.
  - (3) Review criteria.

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- (a) For applications classified as minor site plan review developments, only the portions of the lot or lots being proposed for development, or portions of any lot or lots under the common ownership or control of the applicant which will, or are likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan criteria and standards in § 300-10.5 and the site plan performance standards of § 300-10.6.
  - (b) For purposes of this subsection, "substantial change of use" shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage or sewage disposal, or an increase in the amount of parking required under Article 9, § 300-9.3.
- (4) Planning Board pre-application meeting. Prior to formal application for minor site plan review, an applicant may participate in an informal pre-application meeting with the Planning Board as set out in Subsection A(2) above.
  - (5) Peer review. The peer review process is not required for applications classified as minor site plan review developments, but the Planning Board may require a third party peer review if, in the Planning Board's judgment, the project is sufficiently complex that it requires the expertise of a peer reviewer to evaluate the proposed site plan, including but not limited to stormwater management, traffic management, architecture, lighting or landscaping. The Planning Board may also require a third party peer review if, in the Planning Board's judgment, there is credible conflicting technical information regarding approval criteria which peer review may assist the Planning Board to resolve.
- D. The following procedure and requirements shall apply to major site plan review: **[Amended 6-3-2014]**
- (1) Review process. Applications classified as major site plan review developments shall be reviewed by the Planning Board. Completed and timely submitted applications classified as major site plan review developments shall be reviewed and acted on at the next regularly scheduled Planning Board meeting following the submission deadline.
  - (2) Submission requirements.
    - (a) All submission required in § 300-10.4 below shall be required unless specifically waived by the Planning Board.
    - (b) The Planning Board may require the applicant to submit additional studies or reports which it deems reasonable and necessary to ensure that the requirements of the ordinance are met. The costs of all such studies or reports shall be borne by the applicant.
  - (3) Review criteria.

- (a) For applications classified as major site plan review developments, the entire lot or lots being proposed for development, or any lot or lots under the common ownership or control of the applicant which will, or are likely to, experience a substantial change of use in conjunction with the proposed development, shall be required to meet the site plan criteria and standards in § 300-10.5 and the site plan performance standards of § 300-10.6.
  - (b) For purposes of this subsection, "substantial change of use" shall mean a change in the use of the site that is likely to result in a substantial alteration of the existing traffic or parking patterns, timing or intensity from the current use of the site, or which would result in a change in the amount or timing of activity on the site that might affect, noise, lighting, waste disposal, delivery times, water usage or sewage disposal.
- (4) Planning Board pre-application meeting. Prior to formal application for major review, an applicant shall participate in an informal pre-application meeting with the Planning Board to discuss the proposed project and the site plan review criteria, to determine its compliance with Town regulations, and to identify significant issues which will require additional analysis. The applicant shall make a request in writing and submitted at least 26 days prior to the first Planning Board meeting of the month during which the applicant wishes to be heard.
- (5) Peer review.
- (a) The peer review process is not required for applications classified as major site plan review developments, but the Planning Board may require a third party peer review if, in the Planning Board's judgment, the project is sufficiently complex that it requires the expertise of a peer reviewer to evaluate the proposed site plan, including but not limited to stormwater management, traffic management, architecture, lighting or landscaping. The Planning Board may also require a third party peer review if, in the Planning Board's judgment, there is credible conflicting technical information regarding approval criteria which peer review may assist the Planning Board to resolve.
  - (b) The peer review process for applications classified as major site plan review shall evaluate the proposed site planning (including but not limited to stormwater management and traffic management), architecture, lighting and landscaping proposed in the application unless any aspect of the required peer review is waived. Town staff shall begin the peer review process with the receipt of the application.<sup>17</sup>

E. Performance guarantees.

- (1) 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

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17. Editor's Note: Original Subsection C.5, which immediately followed this subsection, was repealed 6-3-2014.

Town Manager. For the purposes of this section, "required improvement" shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Town Manager and the municipal attorney as to form, sufficiency, manner of execution and surety.

- (2) 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.
- (3) A period of one year (or such period as the Town Manager may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed.
- (4) Inspection of required improvements:
  - (a) At least 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;
  - (b) At least five 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;
  - (c) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the 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;
  - (d) If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the inspector that unforeseen conditions make it necessary or preferable to modify the location or design of any required improvement, the inspector may, upon approval of the Town Manager, authorize modifications, provided these modifications are within the spirit and intent of the Board's approval and do not extend to the waiver or substantial alteration of the function of any



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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;

- (e) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the subdivider;
  - (f) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.
- (5) Release of guarantee.
- (a) 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.
  - (b) Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.

#### § 300-10.4. Submission requirements.

- A. When the owner of the property or the owner's authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information, except to the extent any of these submission requirements are modified by the provisions of § 300-10.3B(2) pertaining to staff site plan review and § 300-10.3C(2) pertaining to minor site plan review above: **[Amended 6-2-2009]**
  - (1) A fully executed and signed application for site plan review;
  - (2) A narrative description explaining how the submissions and the proposed plans meet all submission requirements and ordinance provisions that pertain to the applicant's project. For any project located in the Commercial District, the applicant shall also submit a narrative which explains how the submissions and the proposed plans comport with the Raymond Design Guidelines; and where the submissions and the proposed plans do not comport with the Raymond Design Guidelines, the reasons why the applicant is proposing an alternative design. **[Added 6-2-2009]**
  - (3) Fifteen copies of a site plan, to include eight full-sized scaled copies, seven half-size/scaled copies or reduced plans to fit on an 11' x 17' sheet, and an electronic file in both PDF and GIS formats, drawn at a scale of not more than 50 feet to

the inch for that portion of the total tract of land subject to site plan review, and showing the following: **[Amended 6-3-2015; 6-6-2017]**

- (a) Name of owner and developer; and interest of the applicant if other than the owner or developer;
- (b) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend;
- (c) Names and addresses of all owners of record of all adjacent property as they appear on Assessor's records;
- (d) Current zoning boundaries and 100-year floodplain boundaries, including surrounding areas to a distance of 300 feet from the perimeter of the site;
- (e) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property;
- (f) A surveyed topographic map of the site showing existing and proposed contours at no more than two-foot intervals; **[Amended 3-20-1999]**
- (g) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of 10 inches measured three feet from the base of the trunk;
- (h) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed;
- (i) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property;
- (j) 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;
- (k) Locations of proposed buildings and uses thereof;
- (l) Proposed traffic circulation system, including streets, parking lots, driveways and other access and egress facilities, curblines, 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;
- (m) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground;
- (n) A stormwater management plan, prepared by a registered professional engineer, shall be designed so that the post-development stormwater runoff does not exceed the pre-development stormwater runoff for the twenty-four-hour duration, two-, ten-, and twenty-five-year frequency storm events. The

stormwater plan shall be prepared in accordance with Stormwater Management for Maine: Volume III BMP's Technical Design Manual, latest edition, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part hereof. The stormwater plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations and background data. The Board may require review and endorsement of the stormwater plan and calculations by the Cumberland County Soil and Water Conservation District or some other third party qualified to conduct such review, the cost of which shall be borne by the applicant. **[Amended 12-2-2008]**

- [1] Projects subject to site plan review shall include the following: **[Added 12-2-2008]**
- [a] Phosphorus export calculations based on the Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II (as published March 2016 and as amended), issued by Maine DEP; or
  - [b] Any project which requires a stormwater permit from the State of Maine DEP shall submit a stormwater management plan designed in accordance with Section 4 of the State of Maine Chapter 500 Stormwater Regulations, Stormwater Standards (June 6, 2006, and as amended). **[Added 12-2-2008]**
- [2] For site plan review applications reviewed by staff, the stormwater management plan must demonstrate conformance with the stormwater quality and phosphorus control provisions (point system) described in Article 9, § 300-9.24, of this chapter. **[Added 6-6-2017]**
- [3] All site plan review of back lots and back lot driveways shall ensure compliance with the minimum standards for stormwater runoff design and quality control in accordance with Article 9, Minimum Standards, § 300-9.20, Back lots and back lot driveways, Subsection L(4)(e) and (f). **[Added 6-6-2017]**
- (o) Location and design of proposed off-street parking and loading areas, indicating number and size of stalls;
  - (p) Proposed location and direction and time of use of outdoor lighting;
  - (q) 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;
  - (r) Location, size, design and manner of illumination of signs;

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- (s) Disposal of sewage, trash, solid waste, oily waste, hazardous waste or radioactive waste, showing disposal facilities, receptacles or areas;
- (t) 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;
- (u) 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;
- (v) 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 Article 10, § 300-10.6A, for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses;
- (w) Description and plan of a "phase development concept," detailing the areas and sequence of phasing;
- (x) A notarized statement by the developer explaining how the developer intends to comply with the performance guarantee requirement of Article 10, § 300-10.3C(1); **[Amended 3-20-1999]**
- (y) 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;
- (z) 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.
- (aa) Erosion and sedimentation control plan.

[1] An erosion and sedimentation control plan shall be prepared in accordance with the Maine Erosion and Sediment Control: Best Management Practices, latest revision, prepared by the Maine Department of Environmental Protection, which is incorporated herein by reference and made a part hereof. 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: **[Amended 12-2-2008]**

[a] The name, address and telephone number of the applicant.

[b] The name, address and telephone number of the person responsible for implementing the plan.

- [c] A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.
  - [d] Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
  - [e] 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.
  - [f] 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.
  - [g] Description of temporary and permanent erosion control practices that will be used.
  - [h] Identification of the locations of the temporary and permanent erosion control practices.
  - [i] Identification of how, where and when collected sediment will be disposed.
  - [j] Dust control measures.
  - [k] Inspection and maintenance procedures, including schedule and frequency.
  - [l] Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.
- [2] 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.
- B. 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.

**§ 300-10.5. Criteria and standards.**

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.

- (1) 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.
  - (2) 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 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, downstream conditions or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in stormwater runoff from developed areas. **[Amended 12-2-2008]**
- 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 9 of this chapter shall be adhered to where applicable.

**§ 300-10.6. 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 are not requisite in the interest of public health, safety and general welfare, the Planning Board may waive such requirements, subject to appropriate conditions.

A. Parking area design standards.

- (1) 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 considerations. They shall meet the requirements of this article.
- (2) 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 90°.

Parking Angle (degrees)	Aisle Width (feet)
0° (parallel parking)	12
30°	12
45°	14
60°	18
90° (perpendicular parking)	24

- (3) Off-street parking. Off-street parking requirements shall conform to Article 9, § 300-9.3.

- (4) Parking lot/pavement setbacks. Each parking lot shall be designed to provide adequate pavement setbacks from public and private streets as well as abutting property owners. Parking lots with total parking spaces under 25 spaces may have pavement setbacks reduced by 50% with a waiver request from the Planning Board. Below are the minimum pavement setbacks for the various zoning districts.
- (a) For Rural and Rural Residential Districts, minimum Pavement setbacks are:
- [1] For front and side yard: 20 feet.
  - [2] For rear yard: 25 feet.
- (b) For Village Residential, Commercial and Industrial Districts, minimum pavement setbacks are:
- [1] For front yard: 10 feet.
  - [2] For rear yard: 25 feet.
  - [3] For side yard: 15 feet. (Note: Side yard may be reduced to five feet if the parking areas are planned on both sides of the common side property line.)
- (c) Parking lots within the Village Residential and Commercial Districts may have the pavement setback reduced completely for the front yard with a waiver request and compensation of landscaping. **[Added 6-3-2014]**
- (5) Each parking lot shall incorporate a vegetated buffer(s) (landscaped or natural) into the parking lot design. No setbacks are required around a parking edge if the parking is adjacent to the principal or accessory building or active/recreative area associated with the land use. Minimum naturally vegetated (no-cut) buffers are necessary from external property lines and shall be as follows:
- (a) For Rural and Rural Residential Districts:
- [1] For rear yards: 20 feet.
  - [2] For front and side yards: 15 feet.
- (b) For Village Residential, Commercial and Industrial Districts:
- [1] For rear yards: 20 feet.
  - [2] For front yards, side yards: 10 feet. (Note: If side yard abuts against a common property line with an adjoining parking lot, then no formal buffer is required as long as the area/strip between the two parking lots clearly prohibits vehicle access other than at designated cross-driveways, aisles or other controlled access locations.)
- (c) Planted landscape areas/buffers may be placed in lieu of a natural vegetated buffer but must contain species a minimum of 3.5 feet tall for 50% of the buffer area within the front yard and 6.0 feet tall for 50% of the rear yard setback. Landscape buffers shall be the responsibility of and maintained by



the owner or applicant, and must be delineated on the approved site plan. Parking lots with total parking spaces under 25 spaces may have buffer and landscape requirements reduced by 50%.

- (d) Parking lots in the Village Residential and Commercial District requesting reduction in the front yard setback must provide at least 50% of the difference between standard front yard buffer area and the front yard buffer area proposed by providing internal landscaping. Internal landscaping shall be implemented through the use of green space areas or plantings, such as but not limited to islands, grass areas/strips, planting beds or decorative planters. Landscaped areas maintained by the applicant, within the street rights-of-way along the lot's street frontage, may be considered as landscape compensation with permission from the Town or State of Maine Department of Transportation. **[Added 6-3-2014]**
- (6) Parking areas associated with building development greater than 5,000 square feet total new structure or greater than 50% expansion of an existing building footprint, from the time of this chapter's adoption, shall be designed to incorporate internal landscape areas, islands or strips within the internal parking lot. The total area of parking islands or "internal green spaces" shall be no less than 5% of the impervious coverage for the portion of the parking area necessary for the new building or addition. No less than 100 square feet shall be contained in any one internal landscape area. For building additions meeting the requirements above, where existing parking areas must be expanded to meet parking need, the internal landscaped areas required for the portion of new parking area may meet this requirement by adding, or converting existing impervious areas to, new islands or green spaces within the existing parking areas. Access drives from the primary street entrance(s) to the parking lot will not be considered in this equation. The use of porous concrete, bituminous pavement or other materials which promote direct infiltration over all or a majority of footprint of the parking lot for this specific purpose shall not be considered an impervious surface for this calculation. It shall be at the Planning Board's discretion as to whether the design of a "porous pavement" parking lot meets this criteria such that it may alleviate the requirement for internal islands. **[Added 6-3-2014]**
- (7) General loading dock locations. No loading areas shall be located in a minimum required front yard, rear or side yards. All loading shall be located in bays generally perpendicular to driveways or access ways. All loading bays should be located behind the structure and oriented so as to be perpendicular with the street and/or rear yard. **[Amended 6-3-2014]**
- (8) 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 five feet of passable area and shall be raised six 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 of 2 1/2 feet is provided to accommodate such overhang. **[Amended 6-3-2014]**

- B. 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 footcandles at intersections and a total average illumination of 1 1/2 footcandles 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.
- C. 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.
- D. General circulation and parking design principles.
- (1) Parking space allocations should be oriented to specific buildings.
  - (2) Parking areas should be designed to focus on major walkways, which should be fenced or marked.
  - (3) 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.
  - (4) Driveways should approach from the right to permit passengers to alight to or from the sidewalk.
  - (5) Whenever possible, one-way traffic should be established at building entrances.
  - (6) Where buses are a factor, bus shelters and bus indentation slots off the roadway should be provided.
- E. Parking surfaces. All parking areas shall be designed with durable surfaces able to support the weight class of vehicles anticipated to normally travel over the surfaces. Surfaces shall be of compacted material, not susceptible to settlement, change in general form, shape or physical characteristics due to vehicular movements, drainage conditions, seasonal impacts or other normal activities associated with the site during or post-construction. **[Added 6-3-2014]**
- (1) All parking lot surface materials shall encourage protection of surface water quantity, quality and discourage erosion and sedimentation, and thermal pollution impacts.
  - (2) All parking lot surfaces shall be specified by a professional engineer to assure the design will remain durable, with suitable base materials to support the final surfacing and anticipated vehicular loadings, and address impacts due to existing conditions such as but not limited to unsuitable soils, groundwater or soil contamination.

- F. Waiver for off-street parking, loading and front buffer or landscaped area requirements. If any applicant can clearly demonstrate to the Planning Board that, because of the nature of the applicant's operation or use, the off-street parking or loading areas, or front yard buffer, or internal landscaped areas, or strips/islands requirements of this section are unnecessary or excessive, the Planning Board shall have the power to approve a site plan that does not meet said requirements, provided the applicant requests a waiver, in writing, of the specific performance standards they cannot meet, and clearly addresses the waiver criteria as follows: **[Amended 6-3-2014]**
- (1) The need to alter the parking standard is due to existing physical property limitations due to geometric lot configurations, topography and presence of a dominant land or structural feature, all in existence prior (insert date of adoption of amendments).
  - (2) The approval of the waiver request will not create a harmful condition, impose on the general welfare or lesson public safety by implementation of the proposed use and/or site improvements, to existing pedestrian and vehicular traffic movements.
  - (3) The approval of the waiver request will not in any way impair or harm the environment by means of drainage flow quantity or runoff water quality, nor will have a direct impact on wetlands, streams, floodplains, vernal pools, sensitive water bodies, threatened or endangered wildlife resources or essential habitat.
  - (4) The approval of the waiver requested will not result in an adverse impact to immediate abutters, or the public, by creating obtrusive noise, lights, dust, odors, vibrations, or by creating negative impacts to scenic views.
  - (5) The approval of the requested waiver is based on evidence of need provided by the applicant, and by evidence showing that no feasible alternative is available to accomplish the applicant's parking requirement or immediate parking needs, and that the design features, as proposed, considered goals set forth in the Town of Raymond Design Guidelines for Parking Areas and to the greatest extent practical applied to those recommendations. The applicant shall provide a written response describing how and where the proposed project incorporates the Design Guideline goals and recommendations.
- G. Entrance location and design.
- (1) All entrances 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.
  - (2) 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 10 feet behind the curblineline or edge of shoulder with the height of the eye 3.75 feet to the top of an object 4.5 feet above the pavement.

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

- (3) Where a site occupies a corner of two intersecting roads, no entrance or exit shall be located within 50 feet of the point of tangency of the existing or proposed curb radius of that site.
- (4) No part of any entrance or exit shall be located within a minimum of 10 feet of a side property line. However, the Planning Board may permit an entrance or exit serving two or more adjacent sites to be located on or within 10 feet of a side property line between the adjacent sites.
- (5) Where two or more two-way entrances/exits connect a single site to any one road, a minimum clear distance of 1,000 feet measured along the right-of-way line shall separate the closest edges of any two such entrances/exits onto a major road. Such entrance/exit onto a minor road may be 400 feet apart.
- (6) 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 nonresidential projects shall be located between 150 feet and 300 feet from the major road in order to minimize conflicts with major road traffic.

H. Driveway angles.

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

I. 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 entrances/exits are indicated below. Entrances/Exits serving large volumes of daily traffic or traffic of over 15% truck traffic shall be required to utilize high-to-maximum dimensions.

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

\* All entrances/exits shall be five feet wider at the curblin, and this additional width shall be maintained for a distance of 20 feet into the site.

- J. 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.
- K. 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.
- L. Entrance/Exit grades. Entrances or exits shall not have a grade in excess of 10% over the entire length. On arterials, the grade shall not be more than 3% for the first 25 feet from the road unless otherwise approved by the Planning Board. Entrances/Exits shall not be located where visibility is limited because of curves or topography.
- M. Road standards.
  - (1) 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.
  - (2) 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. **[Added 5-20-1989]**
- N. 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 footcandles. The following design standards shall be followed:
  - (1) The style of the light and light standard shall be consistent with the architectural style of the principal building.
  - (2) The maximum height of freestanding lights shall be the same as the principal building, but not exceeding 25 feet.
  - (3) All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 150°.
  - (4) Where lights along property lines will be visible to adjacent residents, the lights should be appropriately shielded.

- (5) Spotlight-type fixtures attached to buildings should be avoided.
  - (6) Freestanding lights shall be located and protected so as to avoid being easily damaged by vehicles.
  - (7) Lighting should be located along streets, parking areas, at intersections and crosswalks and where various types of circulation systems merge, intersect or split.
  - (8) Pathways, sidewalks and trails should be lighted with low or mushroom-type standards.
  - (9) Stairways and sloping or rising paths, building entrances and exits require illumination.
  - (10) Lighting should be provided where buildings are set back or offset.
  - (11) The following intensity in footcandles should be provided:
    - (a) Parking lots: an average of 1.5 footcandles throughout.
    - (b) Intersections: three footcandles.
    - (c) Maximum at property lines: 1.0 footcandle.
    - (d) In residential areas: average of 0.6 footcandle.
  - (12) 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.
- O. 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:
- (1) Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two or three rows of staggered plantings. The rows should be five feet apart and the evergreens planted four feet on center.
  - (2) Buffers shall be considered in or for the following areas and purposes:
    - (a) Along property lines, to shield various uses from each other.
    - (b) Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.
    - (c) Parking areas, garbage collection areas and loading and unloading areas.
    - (d) To block prevailing wind patterns and to stop windborne debris from leaving the site.
  - (3) 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.

- (4) Buffers shall be sufficient to shield structures and uses from the view of incompatible 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.
- (5) Fencing and screening shall be durable and properly maintained at all times by the owner.
- (6) Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.
- (7) All buffer areas shall be maintained in a neat and sanitary condition by the owner.

P. Site conditions.

- (1) 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.
- (2) 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.
- (3) 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.
- (4) Temporary improvements. Prior to or during construction, the Building Inspector may require the installation or construction of improvements to prevent or correct temporary conditions 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.

Q. Environmental considerations. The site plan shall be designed in accordance with applicable Town regulations designed to protect the environment.

- (1) Conservation, erosion and sediment control. The following measures shall be included where applicable as part of any site plan review and approval:
  - (a) Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
  - (b) 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.
  - (c) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
  - (d) The disturbed area and the duration of exposure shall be kept to a practical minimum.
  - (e) Disturbed soils shall be stabilized as quickly as practicable.
  - (f) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
  - (g) The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
  - (h) 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.
  - (i) 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.
  - (j) 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.
  - (k) 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.
- (2) Hazardous matter. For any toxic or hazardous matter storage as defined in 38 M.R.S.A. § 13, the Planning Board may require:
  - (a) An environmental evaluation of the geologic, hydrologic and soils conditions of the site;
  - (b) A description of wastes to be stored, the storage method and the disposal method;



- (c) Information as to the existing groundwater quality around the site, and a system to monitor any changes should contamination occur;
  - (d) Finding and use of hazardous matter must be shown to be consistent with other local and state regulations.
- (3) Odors. Adequate provisions must be made to control the emission of odors from the site, in accordance with this chapter. The Planning Board may require the applicant to establish pre- and post-construction odor levels.
  - (4) Noise. Adequate provisions must be made to control unnecessary noise from and at the site in accordance with this chapter. The Planning Board may require the applicant to establish pre- and post-construction noise levels.
  - (5) Vibrations. Adequate provision must be made to control vibrations in accordance with this chapter. The Planning Board may require the applicant to establish pre- and post-construction vibration levels.
  - (6) Unique features.
    - (a) 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.
    - (b) 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.
- R. When firefighting 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. **[Added 3-15-1997]**

## ARTICLE 11

### Legal Status Provisions

#### § 300-11.1. Conflict with other ordinances.

- A. This chapter 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.
- B. The regulations of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare; provided, however, that where this chapter 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.

**§ 300-11.2. Severability.**

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

## ARTICLE 12

**Interpretation of Terms and Definitions****§ 300-12.1. Interpretation of terms.**

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."

**§ 300-12.2. Terms defined.**

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

**ACCESSORY APARTMENT** — A separate dwelling unit of no more than 700 square feet, excluding stairways, either attached or detached, and located on the same parcel with a single-family dwelling. The apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit. For the purposes of lot size, net density shall not apply to a single-family home adding one accessory apartment. [Amended 6-3-2015; 7-14-2021]

**ACCESSORY STRUCTURE** — See "structure." [Added 6-14-2022]

**ACCESSORY USE** — A use which is incidental and subordinate to the principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. [Amended 6-3-2015; 6-14-2022]

**AFFORDABLE HOUSING** — Housing which can be afforded by households at or below 80% 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 30% of the 80% median household income figure. Shelter expenses shall include mortgage and/or rental costs, taxes, homeowner/tenant insurance, heat and utilities.

**AGRICULTURE** — The production, keeping or maintenance, for sale or lease, of plants, trees, animals or honeybees, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

**ALTERATION TO IMPERVIOUS AREA** — An alteration to an existing impervious area through addition of low-permeability materials, re-grading of the area or other disturbance, addition or reconfiguration that results in a change in the existing drainage pattern or the functionality of the drainage system, a change in the permeability of the area, a change in the area or pattern of any compaction or any other change which affects the existing infiltration of stormwater. "Alteration to impervious area" does not mean the paving, blacktopping, sealing, painting or maintaining of an already impervious surface unless one of the criteria above has been met. **[Added 6-2-2009]**

**AMUSEMENT PARK** — A permanent recreational park equipped with amusements such as Ferris wheels, water slides 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 30-A M.R.S.A. § 3752, as it may be amended from time to time, is incorporated herein. **[Added 3-17-2001]**

**AUTOMOBILE RECYCLING BUSINESS** — The definition in 30-A M.R.S.A. § 3752, as it may be amended from time to time, is incorporated herein. **[Added 3-17-2001]**

**AUTOMOBILE STORAGE LOT** — A lot or part thereof that is used for the sale and/or storage of any three or fewer automobiles, trucks and/or other motorized vehicles, as defined in 29-A M.R.S.A. § 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. **[Added 3-17-2001]**

**BACK LOT** — A lot that does not have street frontage directly on a public or private road. Direct access to a public road, and frontage requirements, are met for back lots through an application for a back lot driveway plan approved by the Planning Board under Article 9, § 300-9.20, of this chapter.

**BACK LOT DRIVEWAY** — A driveway within a defined location serving access and frontage purposes for no more than two back lots and which originates from a street constructed in accordance with the Town of Raymond Street Ordinance standards for a Town-accepted, proposed public, or private street, constructed in accordance with the Town of Raymond Street Ordinance standards for a private street. **[Amended 7-14-2021]**

**BOARDING HOME** — Any dwelling in which lodging is offered for compensation to three 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.

**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. See also "structure." **[Amended 6-14-2022]**

**BUILDING INSPECTOR** — The Inspector of Buildings for the Town of Raymond or any duly authorized person.

§ 300-12.2 RAYMOND LAND USE AND SHORELAND ZONING § 300-12.2

**CAMPER** — For the purposes of this chapter, a "camper" shall be treated in all respects as a trailer.

**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 "campground" shall include the words "tenting grounds" and "trailer parks."

**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 chapter. Any land use not listed in this chapter must go to the Board of Appeals before approval. **[Added 5-20-1989]**

**CONDOMINIUM** — 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. **[Amended 8-7-2007]**

**CORNER LOT** — A lot situated at the intersection of two streets/roads. **[Added 6-14-2022]**

**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. **[Added 8-7-2007]**

**DIVERSION DITCH** — A ditch constructed across the slope to divert water away from the area under development.

**DRIVEWAY** — Access route or right-of-way to any single-family dwelling, duplex or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed nonresidential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All nonresidential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in Article 10, Site Plan Review, § 300-10.6, Performance standards. **[Amended 6-7-2016]**

**DUPLEX** — A building with two dwelling units.

**DWELLING** — A building or part thereof used for living quarters for one or more families.

**DWELLING UNIT** — One or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other device for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

§ 300-12.2

LAND USE

§ 300-12.2

- A. PERMANENT OR YEAR-ROUND — A dwelling unit so constructed as to be suitable for occupancy 365 days of the year.
- B. SEASONAL — A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

## ELDERLY HOUSING —

- A. 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.
- B. Under the definition in the Federal Fair Housing Act in effect at the time of adoption of this chapter definition [42 U.S.C. § 3607(b)(2)], "housing for older persons" means any one of the following:
  - (1) 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;
  - (2) A dwelling intended for and occupied solely by persons who are 62 years of age or older; or
  - (3) A housing facility or community intended and operated for occupancy by persons 55 years of age or older and in which:
    - (a) At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older;
    - (b) 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.

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.

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.

FAMILY — One or more persons occupying a premises and living as a single (1) housekeeping unit, as distinguished from a group occupying a boardinghouse, 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.

**FRONTAGE** — See "lot frontage."

**GROSS DEVELOPMENT AREA** — Any area disturbed by development such as clearing, cutting, filling, excavation or paring.

**GROSS FLOOR AREA** — The sum, in square feet, of the total horizontal area of all floors of a building, as measured from the interior faces of the outside walls. Non-daylight basements should not be included in the calculation of gross floor area unless they have usable access from the outside and serve a function that would typically provide public access. Daylight basements should be included in calculating gross floor area. **[Added 6-2-2009]**

**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 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 chapter 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. **[Amended 8-7-2007]**

**HOME OCCUPATION** —

- A. 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 9 of this chapter.
- B. Examples; conditions.
  - (1) The following are examples of permitted uses under this definition:
    - (a) Beauty shop;
    - (b) Arts and crafts studio or shop;
    - (c) Professional office;
    - (d) Woodworking;
    - (e) Day-care center;
    - (f) Seamstress/Tailor;
    - (g) Small engine repair, excluding motorized vehicles such as mopeds, motorcycles, ATVs and snowmobiles.
  - (2) No retail sales of repaired goods shall be permitted.
- C. The following uses are specifically prohibited as a home occupation:

- (1) Auto repair;
- (2) Auto body repair.

**IMPERVIOUS AREA** — The area that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials and macadam or other surfaces which similarly impede the natural infiltration of stormwater. **[Added 6-2-2009]**

**INDEPENDENT PARKING FACILITY** — An outdoor storage area for motor vehicles, or enclosed garage or structure for storage of motor vehicles, which is the sole use of the lot or parcel. This definition includes areas such as tow yards or compounds not associated with a garage or vehicle repair use. **[Added 6-3-2014]**

**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.

**JUNKYARD** — The definition in 30-A M.R.S.A. § 3752, as it may be amended from time to time, is incorporated herein. **[Amended 3-17-2001]**

**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 an 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 FRONTAGE** — The distance along the front lot line 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 ends of the front lot line; or in the case of a back lot the frontage shall be measured as described in the definition of "back lot driveway" and in Article 9, § 300-9.20C, of this chapter. The 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." For corner lots, or lots abutting a street/road on two or more sides, the front of the lot shall be the property line on the street/road on which the lot will have its driveway or access. **[Amended 6-14-2022]**

**LOT STRUCTURAL COVERAGE** — The portion of a lot that is covered by structures, generally expressed as a percentage of the total lot area. **[Added 8-7-2007; amended 6-7-2016]**

**MANUFACTURED HOUSING** — A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of their 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:

- A. Those units constructed after June 15, 1976, commonly called "newer mobile homes" or "Type 1 manufactured 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, constructed with a pitched roof, and 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 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, and which are built on a permanent chassis and designed to be used as dwellings, with 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 subsection, 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, 42 U.S.C. § 5401 et seq.; and
- B. Those units commonly called "modular homes" or "Type 2 manufactured homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

**MOBILE HOME PARK** — A parcel of land under unified ownership approved by the Town of Raymond for the placement of three 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.

**MULTIFAMILY DWELLING** — A building with three or more dwelling units. [**Added 5-21-2005**]

**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 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. **[Amended 8-7-2007]**

**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. **[Amended 8-7-2007]**

**NORMAL HIGH WATER MARK OF INLAND WATERS** — That line on the shores and banks of nontidal 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.

**NURSING HOME** — Any dwelling in which three 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.

**OUTDOOR SALES AND SERVICE** — The regular display by a retailer of stock-in-trade outside of an enclosed structure. The term includes, but is not necessarily limited to, businesses that involve an outside parking or display area for the sale of cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, boats, boat trailers, aquatic recreational vehicles and equipment, or mobile homes; businesses involved in the outdoor sale of used merchandise, other than at flea markets, which is separately defined; and similar outdoor sales activities. For purposes of this chapter, the serving of food by an eating and drinking place at outside tables shall not constitute outdoor sales. **[Added 6-14-2022]**

**OUTDOOR STORAGE** — The commercial keeping or storage of goods, materials, motorized vehicles, boats/water recreational vessels/vehicles, trailers, temporary structures and any other equipment associated with the principal use of a building outside permanently or seasonally, for a fee. **[Added 6-14-2022]**

**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.

**PARKING AREA** — An outdoor storage area for motor vehicles that is not located on a street right-of-way. **[Added 6-3-2014]**

**PLUNGE POOL** — A stone-lined pool below the elevated outlet of a drainage culvert used to reduce the erosive force of water.

**POND** — Any inland body of water which has a surface area in excess of 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.

PRINCIPAL STRUCTURE — See "structure." [Added 6-14-2022]

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 FLOODPLAIN SOILS — Recent floodplain 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 2,000 square feet; the term includes, but is not limited to, grocery, hardware and drugstores, but not eating facilities.

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

RIVER — Any free-flowing body of water from that point at which it provided drainage for a watershed of 25 square miles to its mouth.<sup>18</sup>

ROAD-CROSSING OF A WATERCOURSE — That portion of road that traverses a river or a body of standing water.

- A. MAJOR ROAD-CROSSING OF A WATERCOURSE — A road crossing of a stream or water body that appears on the USGS topographical maps.
- B. 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 — Buildings or other structures that are destroyed or damaged by fire or other disasters. [Amended 8-7-2007]

SECONDARY ACCESS — Access routes, paths or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service or any other nonprimary function to serve the lot. Such secondary access shall not meet the requirements or definition of a driveway. [Amended 6-7-2016]

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.

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18. Editor's Note: The definition of "road," which immediately followed this definition, was repealed 7-14-2021.

**SETBACK** — A line that is a required minimum distance from any lot line or right-of-way line that establishes the area within which principal and accessory buildings or structures must be erected or placed. Setbacks are measured from the nearest horizontal distance from lot lines, right-of-way lines, the normal high-water line of a water body or tributary stream, and the upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. **[Added 6-14-2022]**

**SETBACK, FRONT** — A line that is a required minimum distance from any front lot line or right-of-way line used as lot frontage and the nearest part of a structure, or other regulated object or area. For corner lots, the front setback shall apply to any lot line abutting a street or road. **[Added 6-14-2022]**

**SHIPPING CONTAINER** — A roofed or unroofed container placed outdoors and used for the storage of goods, materials or merchandise, which is 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:

- A. 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.
- B. 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. **[Added 5-15-2004]**

**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 nonilluminated device or illustration. **[Amended 6-2-2009]**

**SIGN AREA** — For the purposes of this chapter, 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 nonwoven 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.

**SOLAR ENERGY SYSTEM** — A device or structural design feature principally used to capture solar energy and convert it to electrical or thermal power. A solar energy system consists of one or more freestanding ground-mounted, or building-mounted, solar arrays or modules, or solar-related equipment. **[Added 6-14-2022]**

**SOLAR ENERGY SYSTEM, BUILDING-MOUNTED** — A solar energy system that is mounted to the roof or sides of a building. **[Added 6-14-2022]**

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED** — A solar energy system that is structurally mounted to the ground and is not attached to a permitted building. **[Added 6-14-2022]**

**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 250 square feet and which are not enclosed in a permanent structure: **[Amended 3-17-2001; 5-15-2004]**

- A. Used plumbing, heating supplies, household appliances and furniture;
- B. Used lumber;
- C. 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
- D. Used snowmobiles, ATVs, boats and other machinery.

**STREET** — A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this chapter. The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets", etc. **[Amended 7-14-2021]**

- A. **MINOR STREET** — A street designed to serve as primary residential access, and which meets the design standards for public streets as outlined in Section 5.5 of the Town of Raymond Street Ordinance.
- B. **PRIVATE STREET** — A street designed to serve as the primary access to two or more residential lots, which is built to standards as outlined in Section 5.5, Street Design Standards, of the Town of Raymond Street Ordinance. Private streets are to be maintained by an owner, or ownership such as a homeowners' association, and shall not be accepted as a public street unless the street is proven to meet the public road standards as determined by the Public Works Director and a State of Maine professional engineer.
- C. **ROAD** — A term commonly used to describe 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. The term shall also include undedicated roads that are described in a recorded document. The term "road" shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond land use ordinances, a road must comply with the standards set forth under the definition of "street" to be utilized for acceptable lot frontage or street front.

**STRUCTURE** —

- A. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of vegetation, boundary walls four feet or less in height, fences, mailboxes, lampposts, birdhouses, doghouses, tree houses designed for children's use, bus shelters, subsurface wastewater disposal systems as defined in 30-A M.R.S.A. § 4201, Subsection 5, geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E, Subsection 3-C, wells or water wells as defined in 32 M.R.S.A. § 4700-E, Subsection 8, or other similar construction. The term includes but is not limited to structures temporarily or permanently located, such as decks, carports,

satellite dishes, communications systems, ground-mounted solar energy systems, antennas, pools, etc. Utility poles, wiring, and the aerial equipment normally associated with service drops, including guy wires and guy anchors, shall not be considered structures; however, they must meet the minimum required setbacks from the high-water mark of any pond, lake, stream or river. **[Added 5-16-1987; amended 6-14-2022]**

B. 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. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. **[Amended 6-14-2022]**
- (3) Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven months in any period of 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 dwelling unit. **[Added 5-16-1987]**
- (6) **MULTIFAMILY DWELLING** — A structure containing two or more dwelling units. **[Added 5-16-1987]**
- (7) In the Shoreland Zone, retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the conditions of Shoreland Zoning Provisions § 350-6.3G are met. **[Added 6-14-2022]**

**SUBDIVISION** — A division of a tract or parcel of land as defined in 30 M.R.S.A. § 4956.<sup>19</sup>

**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.

**TIMBER HARVESTING** — The cutting or removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction.

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<sup>19</sup> Editor's Note: 30 M.R.S.A. § 4956 was repealed by L. 1987, c. 737, § A, 1; and Laws 1989, c. 878, § C-25, eff. 4-20-1990. See now the subdivision provisions in 30-A M.R.S.A. § 4401 et seq.

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**TIMBER HARVESTING ACTIVITIES** — Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**TINY HOME** — A structure that does not exceed 400 square feet, excluding lofts, that has one or more habitable rooms designed, intended or used for living quarters by one 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 devices for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not to be used as a tiny home or dwelling unit. A tiny home must meet all of the minimum requirements of a dwelling unit. **[Added 7-14-2021]**

**TOWN or MUNICIPALITY** — The Town of Raymond.

**TRAVEL TRAILER** — A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation and vacation use.

**VARIANCE** — A relaxation of the terms of this chapter 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 this chapter would result in unnecessary and undue hardship.

**WATER BODY** — A coastal or freshwater wetland, great pond, river, stream or brook, whether seasonal or perennial.

**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.

## ARTICLE 13

### Open Space Subdivisions

#### § 300-13.1. Policy and purpose; types.

##### A. Policy. **[Amended 7-14-2021]**

- (1) 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, while promoting neighborhood connectivity through cross-linkages of vehicular and pedestrian access and providing opportunities for future access connections to adjoining undeveloped parcels.
- (2) This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout design, support roads constructed for public acceptance, and revise road frontage requirements 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 multifamily residential areas, will utilize creative road design to promote efficient lot development while supporting neighborhood connectivity for other adjoining or nearby future developable lands, and that will equally 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.

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

- (1) 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:
  - (a) State-defined critical areas, and unique natural features located on the parcel to be subdivided;
  - (b) Historic land use patterns and historic structures;
  - (c) Points of visual access to or from water bodies, scenic vistas and points of access to water bodies;
  - (d) Contiguous stands of mature trees;
- (2) Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;
- (3) Provision of adequate buffers for adjoining properties where needed;
- (4) 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;
- (5) 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;
- (6) Conservation of traditional land uses;
- (7) 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;
- (8) Construction of affordable housing;
- (9) 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;

- (10) Attainment of planned variety and coordination in the location of structures, architectural styles and building forms and relationships; and
  - (11) Provision of considerate design for public road acceptance, and striving for connectivity to adjoining developable land parcels for the purposes of vehicular and pedestrian access loops, or interconnective road systems in efforts to improve traffic and emergency access safety, reduce environmental impacts and promote interconnection of neighborhoods. **[Amended 7-14-2021]**
- C. Types of open space subdivisions. There are two types of open space subdivisions, which may be used separately or in combination:
- (1) 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 five or more lots. Subdivisions of fewer than five lots shall not be developed as cluster subdivisions.
  - (2) 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 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.
- D. 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 Article 13, § 300-13.1B.

### **§ 300-13.2. Planning Board review.**

- A. Pre-application.
- (1) An individual may apply for approval of an open space subdivision as part of the pre-application review described in Article 9 of the Subdivision Regulations. If the subdivider applies for an open space subdivision, the subdivider shall submit a sketch plan for a conventional subdivision and a sketch plan of an open space subdivision designed to meet the requirements of Article 13 of the Land Use Ordinance. The submission shall include a narrative that addresses the applicability of each of the purposes in § 300-13.1B of this chapter to the proposed subdivision.



- (2) After review of the pre-application, if the Planning Board determines that an open space subdivision will achieve the purposes set forth in § 300-13.1B that are applicable to the proposed subdivision, the Board may advise the applicant to proceed with an application for an open space subdivision.

B. Application procedure.

- (1) 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 Subdivision Regulations and for site plan review.
- (2) 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.

**§ 300-13.3. 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:

- A. Use and district requirements. All open space subdivisions shall meet the use standards of the districts in which they are located.
- B. Allowable density.
  - (1) 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 Article 13, § 300-13.1D 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.<sup>20</sup>
  - (2) The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner: **[Amended 5-21-2005]**
    - (a) Determine the developable area of the parcel according to the net residential area calculation contained in Article 8, § 300-8.1, and increase it by 20%; then
    - (b) Divide the increased net residential area by the minimum lot size required in the district to obtain the net residential density allowable.
  - (3) A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

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<sup>20</sup> Editor's Note: Original Subsection 2.b., which immediately followed this subsection, was repealed 6-7-2011.

- (4) 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.
- (5) Any affordable housing density bonus provision provided for in the Land Use Ordinance or the Subdivision Regulations shall also apply within clustered residential projects.
- (6) 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.

C. Layout and siting standards.

- (1) 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.
- (2) 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. In order to maximize the following principles, the Board may request additional information from applicants as it deems relevant and may require a third-party review of the proposed layout, siting and design of the subdivision, by a professional qualified in landscape design, landscape architecture or other relevant disciplines.
  - (a) In the least suitable agricultural soils and in a manner which maximizes the usable 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) In locations least likely to block or interrupt existing trails, trail systems or other traditional recreational travel corridors such as snowmobile routes;
- (i) 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.

D. Space standards.

- (1) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the zoning district.
- (2) Distances between residential structures in multifamily open space subdivisions shall be a minimum of the height of the tallest structure.
- (3) In areas outside of the LRR1 and LRR2 Districts, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than 20,000 square feet. 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 LRR1 and LRR2 Districts to one acre and 1 1/2 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, notwithstanding the net residential density allowed by Subsection B, above, of this performance standard. **[Amended 6-14-2022]**
- (4) Minimum road frontage requirements of the Land Use Ordinance and Subdivision Regulations may be waived or modified by the Planning Board, provided that:
  - (a) Any applicable provisions regarding roads in the Street Ordinance are satisfied.
  - (b) Adequate road curvature design access and turnaround termini, to and from all parcels, for fire trucks, ambulances, police cars and other emergency vehicles meet minimal safe turning radii requirements over all internal access streets, ways or driveways. Roads shall consider extension of rights-of-way to adjoining lands where development is possible in the future, and the Planning Board will promote the offering of such open space

subdivision streets and rights-of-way for public acceptance. **[Amended 7-14-2021]**

- (c) No common driveway shall provide access to more than three lots, except as provided in Article 13, Section C.6.<sup>21</sup>
- (5) 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 25 feet or that required for the applicable zoning district, whichever shall be less. For the perimeter of a multifamily 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.
- E. 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.
  - (1) 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:
    - (a) Adequate groundwater is available at all locations proposed for individual water systems; and that
    - (b) There is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10 mg/l of nitrates.
  - (2) If a private collection septic system is proposed for a single-family clustered development or a multiplex cluster development, the applicant must show that at least one 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 Maine Subsurface Waste Water Disposal Rules. The septic system shall meet the provisions of Article 10, Section 7, of the Raymond Subdivision Ordinance.
  - (3) If a private central collection system is proposed, the system shall be maintained by a homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common, and written evidence of said maintenance agreement shall be submitted to the Planning Board.

#### § 300-13.4. Open space requirements.

- A. General provisions.

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<sup>21</sup>. Editor's Note: So in original; see § 300-13.3.

- (1) 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.
  - (2) 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 Subsection D, and provided that the Planning Board approves such configuration of the open space.
- B. 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:
- (1) 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.
  - (2) 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 shall be limited to those which are no more intensive than passive uses. For purposes of this section, "passive uses" shall be those uses that require little or no physical modification to the land, that do not include development of structures, that result in minimal or no soil and vegetative disturbance, and that are nonmotorized recreational activities, including but not limited to hunting, fishing, hiking, biking, skiing and birding, except that snowmobiling shall be allowed where an existing snowmobile route or trail exists.
  - (3) Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
  - (4) 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.
  - (5) 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.

- (6) 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 Subsection D. 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<sup>22</sup> and this performance standard.
- C. 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 Subsections F and G, 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.
- D. 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 Article 13, § 300-13.1B, are achieved and all other requirements of this performance standard are met, subject to the following conditions:
- (1) 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.
  - (2) 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.
  - (3) 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.
  - (4) 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.
  - (5) 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.
  - (6) 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.

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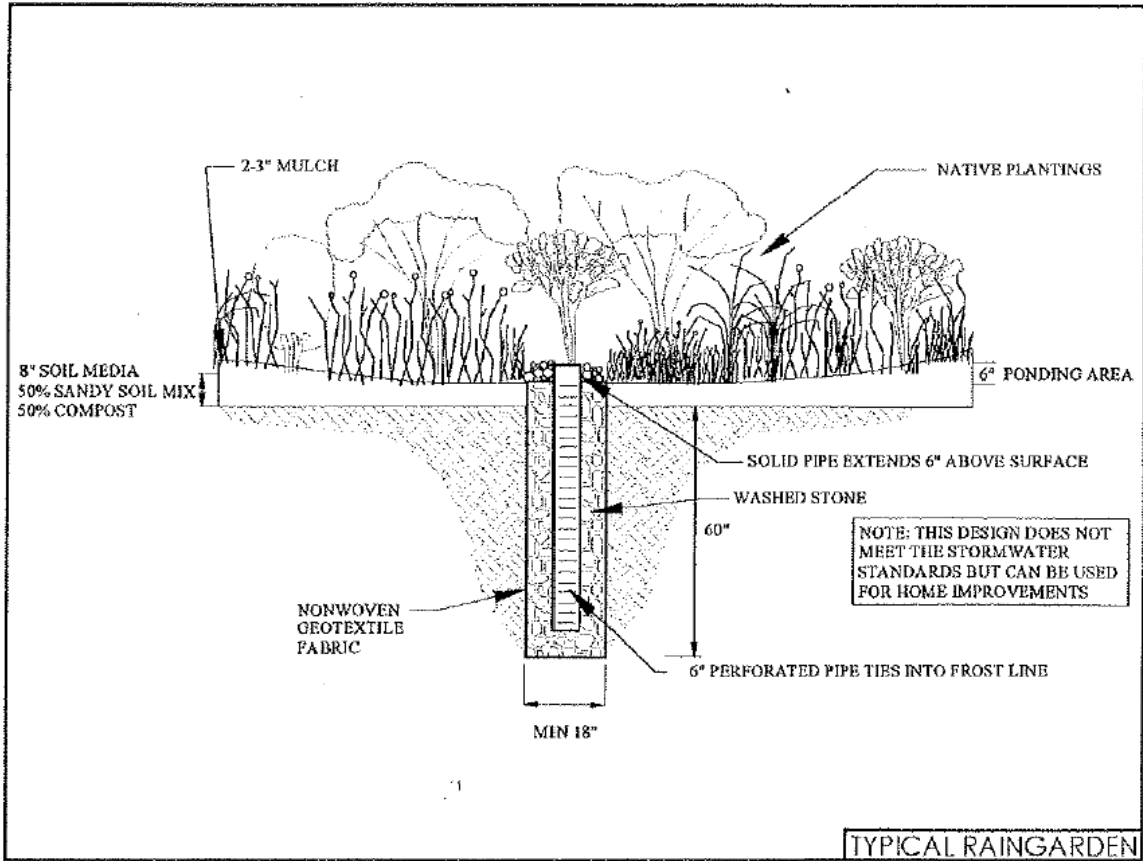
**22. Editor's Note: See Art. 10, Site Plan Review.**

- (7) 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:
- (a) 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;
  - (b) The Planning Board grants approval for such lots; and
  - (c) The applicant has reserved the right to apply for approval for such additional lots.
- E. Ownership of open space land.
- (1) 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 homeowners' association (HOA); dedicated to the Town, county or state governments or agencies; transferred to a nonprofit 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 Article 13, § 300-13.1B, and under the other requirements of this chapter and the Subdivision Regulations.
  - (2) The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to Subsection B 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.
- F. 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 Article 13, § 300-13.1B, 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.
- G. Maintenance standards.
- (1) The common open space shall be protected from nonconforming or incompatible use in accordance with Subsection B and shall be maintained as undeveloped open land, productive open land and/or active or passive recreation land in accordance with an established maintenance plan. The common open space may

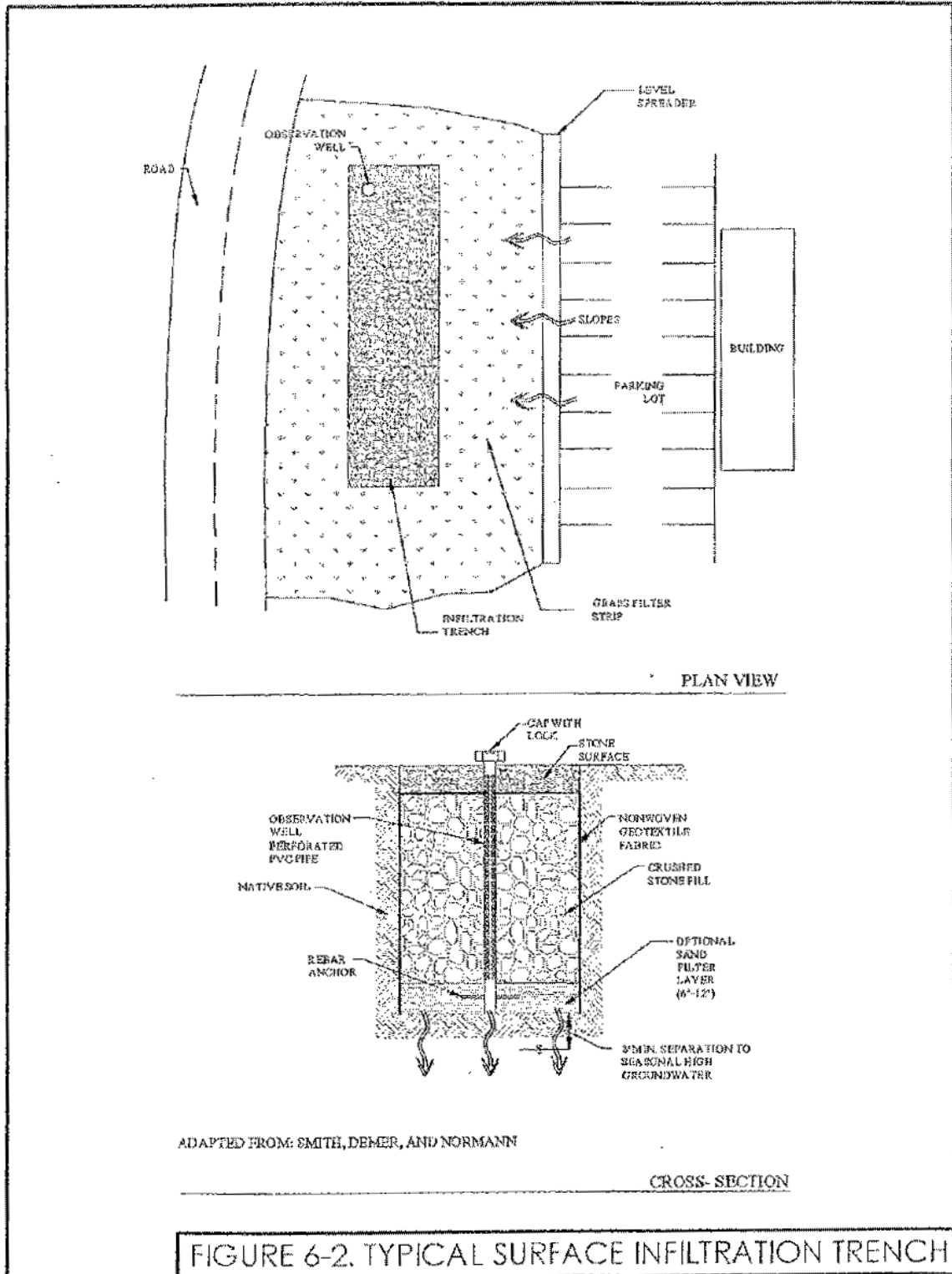
include other ancillary structures or support uses in accordance with Subsection B and as approved by the Planning Board as part of the approval of the subdivision. Permanent conservation restrictions shall be established, subject to approval by the Planning Board, to assure that the future use and maintenance of the common open space is consistent with the subdivision approval. These provisions may include deed restrictions or covenants, conservation easements, the sale or transfer of development rights or other legal mechanisms approved by the Planning Board. These provisions shall be reviewed by the Planning Board and the Town's attorney and approved by the Planning Board. Allowance for modification of the conservation restrictions shall require a subdivision amendment and Planning Board approval. These conservation restrictions shall become conditions of approval.

- (2) A legally binding maintenance agreement shall be established in the conservation restriction tool (e.g., deed, easement) for the periodic maintenance of the common open space to ensure that the terms of the restrictions are being met.





RAYMOND LAND USE AND SHORELAND ZONING



**Chapter 350**  
**SHORELAND ZONING**

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- § 350-6.10. Signs.\*
- § 350-6.11. Stormwater runoff and flood protection.
- § 350-6.12. Septic waste disposal.\*

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|--|---------------------------------------|---|
| § 350-1.1  | RAYMOND LAND USE AND SHORELAND ZONING | § 350-1.1   |
| § 350-6.13. Essential services.  |                                       | § 350-6.26. Public boat launch facility and associated parking areas. |
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| § 350-6.22. Erosion and sedimentation control.   |                                       | § 350-7.6. Installation of public utility service.                    |
| § 350-6.23. Soils.*  |                                       | § 350-7.7. Appeals.   |
| § 350-6.24. Water quality.*  |                                       | § 350-7.8. Enforcement.   |
| § 350-6.25. Archaeological sites.  |                                       | ARTICLE 8<br>Definitions  |
|  |                                       | § 350-8.1. Word usage and interpretation.                             |
|  |                                       | § 350-8.2. Terms defined.   |

[HISTORY: Adopted by the Town Meeting of the Town of Raymond 5-21-1994; amended 3-18-2000; 5-18-2002; 5-17-2003; 5-21-2005; 12-2-2008; 6-1-2010; 6-7-2011; 6-5-2012; 6-4-2013; 6-3-2014; 6-3-2015; 6-7-2016; and 6-4-2019. Subsequent amendments noted where applicable.]

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These Shoreland Zoning provisions are a part of the Raymond Land Use Ordinance.<sup>1</sup>

ARTICLE 1  
General Provisions

§ 350-1.1. Purpose.

The purpose of these ordinance provisions is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore

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1. Editor's Note: See Ch. 300, Land Use.

cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

**§ 350-1.2. Authority.**

These ordinance provisions have been prepared in accordance with the provisions of 38 M.R.S.A. §§ 435 through 449.

**§ 350-1.3. Applicability.**

- A. Except for § 350-6.17, Timber harvesting: statewide standards, these ordinance provisions apply to all land areas, as currently mapped and in effect, within 600 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; and any other land designated on the Official Raymond Land Use Map as a Resource Protection, Limited Residential/Recreation I or Limited Residential/Recreation II District. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.
- B. Section 350-6.17, Timber harvesting: statewide standards, when it becomes effective in accordance with § 350-1.4B, shall apply to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 75 feet, horizontal distance, of the normal high-water line of a stream. These ordinance provisions also apply to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high-water line of a water body or within a wetland.

**§ 350-1.4. Effective dates; repealer.**

- A. Effective date.
  - (1) These ordinance provisions, which were adopted by the Raymond Town Meeting on December 19, 1991, shall not be effective unless approved by the Department of Environmental Protection. A certified copy of these ordinance provisions, or ordinance amendments attested and signed by the Town Clerk, shall be forwarded to the Department of Environmental Protection for approval. If the Department of Environmental Protection fails to act on these ordinance provisions, or ordinance amendments, within 45 days of its receipt of these ordinance provisions, or ordinance amendments, they shall be deemed approved.
  - (2) Any application for a shoreland zoning-related permit submitted to the Town of Raymond within the forty-five-day period shall be governed by the terms of these ordinance provisions, or ordinance amendments, if these provisions, or ordinance amendments, are approved by the Department of Environmental Protection.

- B. Former Section 15(P) and § 350-6.17. Former Section 15(P), Timber Harvesting, is repealed on the statutory date established under 38 M.R.S.A. § 438-B(5), at which time § 350-6.17 shall become effective. Until such time as Section 15(P) is repealed, § 350-6.17 is not in effect. [Note: The statutory date established under 38 M.R.S.A. § 438-A(5) is the effective date of statewide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. § 438-A(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."]

**§ 350-1.5. Availability of copies.**

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

**§ 350-1.6. Severability.**

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

**§ 350-1.7. Conflicts with other ordinances.**

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

**§ 350-1.8. Amendments.**

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

## ARTICLE 2

**Districts****§ 350-2.1. Districts and Zoning Map.**

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

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

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

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

C. Changes to the Raymond Official Land Use Map. If amendments are made in the district boundaries or other matters portrayed on the Raymond Official Land Use Map, in accordance with § 350-1.8, such changes shall be made on the Raymond Official Land Use Map within 30 days after the amendment has been approved by the Department of Environmental Protection.

**§ 350-2.2. Interpretation of district boundaries.**

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

**§ 350-2.3. Land use requirements.**

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

## ARTICLE 3

**Nonconformities****§ 350-3.1. Purpose.**

It is the intent of these ordinance provisions to promote land use conformities, except that nonconforming conditions that legally existed before the effective date of these ordinance provisions or amendments hereto shall be allowed to continue, subject to the requirements set forth in this Article 3. Except as otherwise provided in these ordinance provisions, a nonconforming condition shall not be permitted to become more nonconforming.

**§ 350-3.2. Transfer of ownership; repair and maintenance.**

- A. Transfer of ownership. Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of these ordinance provisions.
- B. Repair and maintenance. These ordinance provisions allow, without a permit, the normal upkeep and maintenance of nonconforming uses and structures, including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state or local building and safety codes may require.

**§ 350-3.3. Nonconforming structures.**

- A. Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream or wetland setback requirements contained in § 350-6.3A. A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure. A conforming situation cannot be made nonconforming and a nonconforming situation cannot be made more nonconforming.
  - (1) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase the nonconformity with the water body, tributary stream or wetland setback requirement.
  - (2) Notwithstanding Subsection A(1) above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Subsection A.



- (a) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (3) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream or wetland setback requirement may be expanded or altered as follows, as long as other applicable municipal land use standards are met, and the expansion is not prohibited by Subsection A or A(1) above.
  - (a) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
  - (b) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water of a water body, tributary stream or upland edge of a wetland must meet the footprint and height limits in Subsection A(2)(a) and A(3)(a) above.
  - (c) In addition to the limitations in Subsection A(3)(a) and (b) for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland must meet the footprint and height limits in Subsection A(2)(a) and A(3)(a) above.
- (4) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint

of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the CEO.

- B. Foundations. Whenever a new, enlarged or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Subsection C, Relocation, below.
- C. Relocation. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located, provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law, the State of Maine Subsurface Wastewater Disposal Rules (Rules), and the Town's standards, or that a new system can be installed in compliance with the law, said Rules and local standards. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with § 350-6.21. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:
- (1) Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. Other woody and herbaceous vegetation, and ground cover, that is removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
  - (2) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
- D. Reconstruction or replacement.
- (1) Any nonconforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage,

destruction or removal, may be reconstructed or replaced, provided that a permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of these ordinance provisions. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback, it shall not be any larger than the original structure, except as allowed pursuant to Subsection A above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Subsection C above.

- (2) Any nonconforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland and which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer within one year of such damage, destruction or removal. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider, in addition to the criteria in Subsection B above, the physical condition and type of foundation present, if any.
- E. Change of use of a nonconforming structure. The use of a nonconforming structure may not be changed to another use unless the Board of Appeals, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Board of Appeals shall require written documentation from the applicant regarding the probable effects on public health and erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

**§ 350-3.4. Nonconforming uses.**

- A. Expansions. Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed by Article 3 of the Raymond Land Use Ordinance and by § 350-3.3A above.
- B. Resumption prohibited. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a

conforming use, may not again be devoted to a nonconforming use; except that the Board of Appeals may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure, provided that the structure has been used or maintained for residential purposes during the preceding five-year period.

- C. Change of use. An existing nonconforming use may be changed to another nonconforming use, provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Board of Appeals. The determination of no greater adverse impact shall be made according to criteria listed in § 350-3.3E above.

### **§ 350-3.5. Nonconforming lots.**

The provisions of this section shall apply to nonconforming lots in the shoreland districts, provided that the requirements of Article 3, § 300-3.4, of the Raymond Land Use Ordinance can first be met by said nonconforming lots.

- A. Nonconforming lots. A legal nonconforming lot of record as of the effective date of these ordinance provisions or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all requirements of these ordinance provisions and other relevant Town ordinances, except lot area, lot width and shore frontage, can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore and road frontage shall be obtained by action of the Board of Appeals.
- B. Contiguous built lots. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of these ordinance provisions, if all or part of the lots do not meet the dimensional requirements of these ordinance provisions, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. § 4807-A through § 4807-D) and the State of Maine and local Subsurface Wastewater Disposal Rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of these ordinance provisions, each may be sold on a separate lot, provided that the above-referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of these ordinance provisions.
- C. Contiguous lots, vacant or partially built. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of these ordinance provisions, if any of these lots do not individually meet the dimensional requirements of these ordinance provisions or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements, except when the landowner can meet the requirements of Article 3, § 300-3.4B, of the Raymond Land Use Ordinance prior to September 26, 1992.

## ARTICLE 4

**Establishment of Shoreland Districts****§ 350-4.1. Resource Protection District (RP).**

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

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

**§ 350-4.2. Stream Protection District (SP).**

The Stream Protection District includes all land areas within 100 feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, or river, or within 250 feet, horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are located within 250 feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

**§ 350-4.3. Limited Residential/Recreational I District (LRR1).**

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

**§ 350-4.4. Limited Residential/Recreational II District (LRR2).**

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

ARTICLE 5  
**Land Uses**

**§ 350-5.1. General provisions.**

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Article 6. If a specific land use activity is not included in Table 1, the Board of Appeals shall make a determination about the applicability of these shoreland zoning provisions to said activity when so requested by a landowner or municipal official. The district designation for a particular site shall be determined from the Official Raymond Land Use Map.

**§ 350-5.2. Key to Table 1.**

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

**§ 350-5.3. Abbreviations.**

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

**§ 350-5.4. Table of Land Uses. [Amended 6-14-2022]**

<b>Table 1</b>				
<b>Land Uses in the Shoreland Zone</b>				
<b>Land Uses</b>		<b>RP</b>	<b>SP</b>	<b>LRR1 LRR2</b>
1.	Nonintensive recreational uses not requiring structures, such as hunting, fishing and hiking	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3.	Forest management activities, except for timber harvesting	yes	yes	yes
4.	Timber harvesting*	CEO <sup>1</sup>	yes	yes
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO <sup>1</sup>	CEO	CEO
6.	Fire prevention activities	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes
8.	Soil and water conservation practices	yes	yes	yes
9.	Mineral exploration*	yes <sup>2</sup>	no	yes <sup>2</sup>
10.	Mineral extraction, including sand and gravel	CEO <sup>3</sup>	no	CEO
11.	Surveying and resource analysis	yes	yes	yes
12.	Emergency operations	yes	yes	yes
13.	Agriculture*	PB	yes	yes
14.	Aquaculture	PB	PB	PB
15.	Principal structures and uses	—	—	—
15A.	Single-family residential ***	no	no	CEO
15B.	Two-family residential	no	no	CEO
15C.	Multifamily residential	no	no	no
15D.	Small nonresidential facilities for education, scientific or nature interpretation purposes	PB	PB	CEO
15E.	Public facilities	no	no	PB
15F.	Elderly housing	no	no	yes
16.	Accessory structure or uses	PB	PB	CEO
16A.	Accessory apartments	no	no	CEO

**Table 1**  
**Land Uses in the Shoreland Zone**

Land Uses		RP	SP	LRR1 LRR2
17.	Piers, docks, wharves, bridges, boat launches and other structures and uses extending over or below the normal high-water line or within a wetland	—	—	—
17A.	Temporary	CEO <sup>7</sup>	CEO	CEO <sup>7</sup>
17B.	Permanent	PB	PB	PB
18.	Conversions of seasonal residences to year-round residences	no	no	CEO
19.	Home occupations**	no	no	yes
20.	Private sewage disposal systems for allowed uses	no	no	CEO
21.	Essential services	PB <sup>4</sup>	PB <sup>4</sup>	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB
24.	Personal campsites	CEO	CEO	CEO
25.	Campgrounds	no <sup>5</sup>	no	PB
26.	Road and driveway construction*	no <sup>6</sup>	PB	CEO
27.	Parking areas	no <sup>5</sup>	no	PB
28.	Marinas	no	PB	PB
29.	Filling and earthmoving of less than 10 cubic yards	CEO	CEO	yes
30.	Filling and earthmoving of more than 10 cubic yards	PB	PB	CEO
31.	Signs*	yes	yes	yes
32.	Uses similar to allowed uses	CEO	CEO	CEO
33.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
34.	Uses similar to uses requiring a PB permit	PB	PB	PB



<b>Table 1 Land Uses in the Shoreland Zone</b>				
<b>Land Uses</b>		<b>RP</b>	<b>SP</b>	<b>LRR1 LRR2</b>
35.	Solar energy systems	no	no	PB

**Notes:**

- \* There may be additional performance standards in Article 9 of the Raymond Land Use Ordinance beyond those in Article 6 of these shoreland zoning provisions.
  - \*\* Home occupations are those land uses that conform with the requirements of Article 9. A home occupation that conforms to Article 9 and that is specifically permitted by Article 11 of the Raymond Land Use Ordinance shall be considered a permitted use in the Limited Residential/Recreation I and II Districts. All other home occupations not specifically listed in the definitions of home occupations in Article 12 of the Raymond Land Use Ordinance shall be considered conditional uses that must conform to the standards set forth in Article 9, § 300-9.2, of the Raymond Land Use Ordinance and that must be reviewed and approved by the Appeals Board.
  - \*\*\* Allowed single-family structures shall include those units commonly called "modular homes" or "Type 2 manufactured homes" as defined in the definition of "manufactured housing" in Article 12, § 300-12.2, Terms defined; which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.
1. (Reserved)<sup>2</sup>
  2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, are disturbed.
  3. In RP not permitted in areas so designated because of wildlife value.
  4. See further restrictions in § 350-6.14B(2).
  5. Except for Panther Run's floodplain, in which case a permit is required from the Planning Board.
  6. Except to provide for permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the Planning Board.
  7. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

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2. Editor's Note: Original Note 1 was repealed 6-7-2012.

## ARTICLE 6

**Land Use Standards****§ 350-6.1. Compliance required; additional standards.**

All land use activities within the Shoreland Zone shall conform to the following provisions, if applicable. An asterisk (\*) found next to the section headings listed below indicates that there may be additional performance standards in Article 9 of the Raymond Land Use Ordinance.<sup>3</sup>

**§ 350-6.2. Minimum lot standards and setbacks.**

A. Lots shall meet or exceed the following minimum lot size requirements:

- (1) Limited Residential/Recreational I: two acres; and
- (2) Limited Residential Recreational II: three acres.
- (3) Resource Protection and Stream Protection. For purposes of determining minimum lot size requirements for land within the RP and SP Districts, those districts shall be treated as overlay districts and the minimum lot size shall be the minimum required under Article 4 of the Town of Raymond Land Use Ordinance.<sup>4</sup>

B. Shore and road frontage.

- (1) A lot abutting a lake, pond, river, stream, road, water body or wetland shall meet or exceed the following minimum shore and road frontage requirements:
  - (a) Residential, per dwelling unit: 225 feet;
  - (b) Governmental, institutional, commercial or industrial, per principal structure: 300 feet; and
  - (c) Public and private recreational facilities: 225 feet.
- (2) Shore frontage shall be measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevations.

C. The minimum building setbacks shall be as follows:

- (1) Front: 30 feet.
- (2) Side: 20 feet.
- (3) Rear: 30 feet.
- (4) Normal high water line of a lake, pond, stream or other water body, or the upland edge of a protected wetland, whichever is greater, except when covered by Subsection C(5) below: 100 feet.

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3. Editor's Note: See Ch. 300, Zoning.

4. Editor's Note: See Ch. 300, Zoning.

- (5) Upland edge of a protected wetland of 10 or more acres in size that is rated as having "high" or "moderate" wildlife habitat value: 250 feet.
  - (6) Right-of-way owned by the property owner: the setback shall be no closer to the traveled portion than the abutting property owner's building or 10 feet, whichever is less.
- D. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two lots shall not be included toward calculating minimum lot area.
  - E. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
  - F. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use. If more than one residential dwelling, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure or use.
  - G. Elderly housing as defined in the Land Use Ordinance shall:
    - (1) Meet a net residential density of 40,000 square feet per unit.
    - (2) Meet the standards of Article 8, § 300-8.3A and C and § 300-8.4, in the Land Use Ordinance.

**§ 350-6.3. Principal and accessory structures.**

- A. All new permitted principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of any lakes, ponds, other water bodies, tributary streams or the upland edge of a wetland. In addition, the water body, tributary stream or wetland setback provision shall apply to neither structure that require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- B. On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed 80 square feet in area nor eight feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- C. Principal or accessory structures and expansions of existing structures that are permitted in the Resource Protection, Stream Protection, Limited Residential/Recreational I and

Limited Residential/Recreational II Districts shall not exceed 35 feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, cupolas and similar structures having no floor area.

- D. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record or, in the absence of these, the flood level as defined by soil types identified as recent floodplain soils. Any new construction, including prefabricated buildings, shall be anchored to prevent flotation and lateral movement and shall be constructed with flood-resistant materials and methods. All new and replacement water supply and sewage disposal facilities shall be so located and designed as to minimize infiltration, contamination or other impairment by flooding.
- E. The total footprint area of all structures, parking lots and other nonvegetated surfaces, within the Shoreland Zone, shall not exceed 15% of the lot or a portion thereof located within the Shoreland Zone, including land area previously developed. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.
- F. For the purposes of calculating lot coverage, nonvegetated surfaces include, but are not limited to, the following: structures, driveways, parking areas and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990, and in continuous existence since that date.
- G. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the following conditions are met:
- (1) The site has been previously altered and an effective vegetated buffer does not exist;
  - (2) The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland;
  - (3) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - (4) The total height of the wall(s), in the aggregate, is no more than 24 inches;
  - (5) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record or, in the absence of these, by soil types identified as recent floodplain soils;
  - (6) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
  - (7) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream or upland edge of a

wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

- (a) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;
  - (b) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
  - (c) Only native species may be used to establish the buffer area;
  - (d) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
  - (e) A footpath not to exceed the standards in § 350-6.18B(1) may traverse the buffer.
- H. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

**§ 350-6.4. Piers, docks, wharves, bridges and other structures and uses extending over or below normal high-water line of water bodies or within wetlands.**

- A. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in § 350-6.2, a second structure may be allowed and may remain as long as the lot is not further divided.
- B. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- C. The location shall not interfere with existing developed or natural beach areas.
- D. The facility shall be located so as to minimize adverse effects on fisheries.
- E. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character of the area. A temporary pier, dock or wharf in nontidal waters shall not be wider than six feet for noncommercial uses.
- F. All temporary structures must be removed to beyond the normal high-water line by December 1 of each year, or a penalty of \$100 per day beyond December 1 shall be imposed.

- G. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- H. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as, a watercraft.
- I. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- J. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.
- K. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resource Protection Act, 38 M.R.S.A. § 480-C.
- L. Vegetation may be removed in excess of the standards in § 350-16.18 of this chapter in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
  - (1) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment accessway must be restored.
  - (2) Revegetation must occur in accordance with § 350-6.21.

#### **§ 350-6.5. Campgrounds.**

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

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

**§ 350-6.6. Personal campsites.\***

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

- A. Such private campgrounds shall be limited to no more than one campsite and may not be utilized for more than 90 calendar days per calendar year, beginning from the date of first use, including storage of a recreational unit; except the owner of a lot/parcel used as his/her primary residence may store the recreational vehicle(s) or camper(s) owned and registered to him/her. All structures must be removed at the end of the 90 days.
- B. If two recreational vehicles or trailers are sited on one lot/parcel located in the Shoreland District, each shall contain at least 30,000 square feet; and in all other zones each campsite shall contain at least 30,000 square feet.
- C. In no case shall two campsites comprise more than 50% of any lot/parcel, and in no case shall the campsite(s) comprise more than 50% of any lot/parcel which also has a seasonal or year-round structure on the lot/parcel.
- D. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
- E. All setback requirements must be met, which shall apply to any part of a tent or recreational unit, including awnings.
- F. A permit must be obtained before the first day of use.
- G. The size of a tent or recreational unit on an individual campsite shall be limited to 280 square feet of floor area, measured from the overall outside dimensions.
- H. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.
- I. All waste must be disposed of according to all state and local regulations.
- J. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

**§ 350-6.7. Commercial and industrial uses.**

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

- A. Auto washing facilities;
- B. Auto or other vehicle service and/or repair operations, including body shops;
- C. Chemical and bacteriological laboratories;

- D. Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms;
- E. Commercial painting, wood preserving and furniture stripping;
- F. Dry-cleaning establishments;
- G. Electronic circuit assembly;
- H. Laundromats, unless connected to a sanitary sewer;
- I. Metal plating, finishing or polishing;
- J. Petroleum or petroleum product storage and/or sale, except for storage on the same property as the use occurs and except for storage and sales associated with marinas;
- K. Photographic processing;
- L. Printing.

**§ 350-6.8. Parking areas.\***

- A. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located and shall also meet the off-street parking requirements contained in Article 9 of the Raymond Land Use Ordinance. The setback requirement for parking areas shall be 100 feet from the shoreline or tributary stream; provided, however, that the setback for a parking area serving a public boat launching facility may be reduced to 50 feet, horizontal distance, from the shoreline or tributary stream, if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- B. In determining the appropriate size of a proposed parking area, the following shall apply:
  - (1) The maximum number of parking spaces or parking lot area allowed in any one cluster of parking is 50 vehicle spaces or paved or impervious area not to exceed 20,000 square feet, whichever is less. Each cluster must meet the setback requirements. More than one cluster of parking may exist on a lot, but each cluster must meet the criteria independently. Each cluster must be connected internally by an access not less than 50 feet in length. If a property is to contain more than 100 spaces, a second entrance or exit to a private or Town road must be provided. The Planning Board may waive the standard for a parking cluster size by no more than 50% (75 spaces total per cluster) utilizing the off-street parking waiver criteria.
  - (2) Pavement setbacks.
    - (a) Each parking area or cluster must have a minimum pavement setback of:
      - [1] Front and rear yard setback: 60 feet.
      - [2] Side yard setback: 40 feet.



- (b) Parking areas with total parking spaces under 25 spaces may have pavement setbacks reduced by 50%.
- (3) Buffers.
  - (a) Each parking area or cluster shall maintain a minimum vegetated buffer around the perimeter of the parking lot. No setbacks are required around a parking edge if the parking is adjacent to the principal or accessory building or active area associated with the land use. Minimum naturally vegetated (no-cut) buffers are necessary from external property lines and shall be as follows:
    - [1] For front yards: 50 feet.
    - [2] For rear and side yards: 30 feet.
  - (b) Planted landscape areas/buffers may be placed in lieu of the vegetated buffers but must contain species a minimum of six feet tall for 50% of the buffer area. Landscape buffers shall be:
    - [1] For front yards: 40 feet.
    - [2] For rear and side yards: 20 feet.
  - (c) Parking areas with total parking spaces under 25 spaces may have buffer and landscape requirements reduced by 50%.
  - (d) If multiple cluster parking areas are proposed on a single lot or common scheme parcels of land, they must be separated by a minimum of a fifty-foot naturally vegetated buffer or a forty-foot landscaped buffer. This shall be measured from the closest point of the actual parking pavement area of one cluster parking area to any other separate cluster parking areas nearest point of pavement.
- (4) All parking areas shall be designed to incorporate landscape island strips of no less than 100 square feet within the internal parking lot. The total area of parking islands or "internal green spaces" shall be no less than 5% of the total impervious coverage of the parking area. Access drives from the primary street entrance(s) to the parking area shall not be considered in this equation.
- C. Parking areas shall be adequately sized for the proposed use and shall be designed to protect water resources and water bodies by a design effort to limit impervious areas, minimize soil disturbance, include vegetative buffers and provide screening to residential zones or uses. The number of parking spaces within a parking area shall be limited to the number of spaces required for the associated permitted use, as provided in Article 9, § 300-9.3, of the Raymond Land Use Code; as proposed as necessary by the applicant; or as approved by the Planning Board as essential to the land use proposed. For the purposes of this section, a traffic parking report must be provided by a licensed engineer to warrant the parking space requirements needed and shall include documentation noting the source of information, or the study or data for parking estimation, to justify the parking necessary.

- D. In determining the appropriate individual parking space size within proposed parking area, the following shall apply:
- (1) Space size.
    - (a) Typical parking space/vehicle: minimum of nine feet wide and 18 feet long.
    - (b) Compact car space/vehicle: minimum of eight feet wide and 16 feet long. Compact parking spaces may not exceed 15% of the total parking spaces.
    - (c) Typical boat launching facility parking space/vehicle: minimum of 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.
  - (2) Typical internal travel aisles: maximum 24 feet wide.
- E. Parking areas shall be designed and managed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland. Designs shall additionally incorporate measures which promote recharge of surface runoff by means of natural soil infiltration or by engineered best management practices as described in the Maine Department of Environmental Protection's Maine Stormwater Management Best Management Practices Manual: (<http://www.maine.gov/dep/land/stormwater/stormwaterbmps/#manual>). In determining the appropriate stormwater management requirements for peak runoff rate quantity and runoff quality treatment for a proposed parking lot or facilities, the following shall apply:
- (1) All projects subject to site plan review shall conform to the minimum standards as outlined in Article 9, § 300-9.24, of the Raymond Land Use Code, Stormwater quality and phosphorus control.
  - (2) In addition to the minimum standards in Article 9, § 300-9.24, all parking areas shall provide treatment through practices involving buffers, infiltration measures, wet pond construction or engineered design, in such a manner as to treat at least 50% of the runoff from impervious surface proposed by the development.
- F. Off-site parking lots shall be allowed if they are within 300 feet of the lot containing the associated permitted use as measured from the center line of that lot's driveway entrance to the center line of the driveway entrance of the off-site parking lot. All off-site parking lots shall meet the following additional requirements:
- (1) A safe sight distance must exist between the two primary entrances such that vehicles are visible from each site in a direct line of vision, or adequate way-finding signs are provided.
  - (2) Safe pedestrian connectivity is provided by sidewalks, delineated paths or trails for pedestrian traffic must meet ADA standards.
  - (3) The design shall contain adequate traffic control devices to allow for safe pedestrian crossing of roads, streets and ways, that are either public or private, where off-site parking is provided on the opposite side of the street from the associated permitted use.
  - (4) No off-site parking shall be allowed on an opposite side of Route 302.

- (5) All pedestrian crossings and new entrances for off-site parking lots on state highways or roads shall require approval from the State of Maine Department of Transportation for location and design prior to Planning Board approval.
- G. An applicant proposing the use of off-site parking spaces shall demonstrate compliance with the following standards:
- (1) There shall be adequate parking spaces available to meet the parking needs of the permitted uses located on the lot or parcel in addition to the off-site parking spaces to be leased by the applicant.
  - (2) The off-site parking spaces to be leased by the applicant shall be dedicated for use only by the applicant and shall not be leased to or utilized by other users.
- H. An outdoor storage area for motor vehicles or enclosed garage or structure for storage of motor vehicles, which is the sole use of the lot or parcel, shall not be permitted unless the requirements of Subsection F above are met.

**§ 350-6.9. Roads and driveways.**

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

- A. Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond or a river that flows to a great pond, and 100 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland. On slopes of greater than 20% the road and/or driveway setback shall be increased by 10 feet, horizontal distance, for each 5% increase in slope above 20%. This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational purposes. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Subsection A, except for that portion of the road or driveway necessary for direct access to the structure.
- B. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
- C. New roads and driveways are prohibited in a Resource Protection District, except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or

driveway is permitted in a Resource Protection District, the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

- D. Road and driveway banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in § 350-6.22.
- E. Road and driveway grades shall be no greater than 8%.
- F. 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.
- G. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream or upland edge of a wetland. Surface drainage, which is directed to an unscarified buffer strip, shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. All cut or fill banks and areas of exposed mineral soil in the immediate vicinity of watercourses shall be revegetated or otherwise stabilized.
- H. Ditch relief (cross-drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:
  - (1) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than as indicated in the following table:

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

- (2) Drainage dips may be used in place of ditch relief culverts only where the grade is 8% or less.
- (3) On sections having slopes greater than 8%, ditch relief culverts shall be placed at approximately a 30° angle downslope from a line perpendicular to the center line of the road or driveway.

- (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- I. Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

**§ 350-6.10. Signs.\***

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

- A. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six square feet in area and shall not exceed two signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
- B. Name signs are allowed, provided such signs shall not exceed two signs per premises.
- C. Residential users may display a single sign not over three square feet in area relating to the sale, rental or lease of the premises.
- D. Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that no such sign shall exceed two square feet in area.
- E. Signs relating to public safety shall be allowed without restriction.
- F. No sign shall extend higher than 20 feet above the ground.
- G. Signs may be illuminated only by shielded, nonflashing lights.

**§ 350-6.11. Stormwater runoff and flood protection.**

- A. All new construction and development and related site improvements shall be designed, located and constructed, both during their construction and as constructed, to minimize stormwater runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwater.
- B. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.
- C. No development of any nature shall be permitted within Zone A or A1-A30 on the Flood Insurance Rate Map unless the developer demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not raise the flood elevation more than one foot at any point in the community, or cause any detrimental impacts to downstream properties or receiving waters. A full analysis of the impact of the proposed development shall be undertaken by a licensed professional engineer.

§ 350-6.11 RAYMOND LAND USE AND SHORELAND ZONING § 350-6.12

- (1) The analysis shall, at a minimum, consider the following:
    - (a) The impact of the development on downstream channel velocities and potential for erosion.
    - (b) The capacity of receiving channels and structures.
    - (c) Pre-development and post-development flood elevations.
    - (d) The impact of any reduction in flood storage capacity.
  - (2) An engineering study shall be undertaken for all subdivisions proposed on land that falls within a flood zone, where the floodplain elevation has not been determined.
- D. In the event that any alteration or relocation of a watercourse is proposed, before processing an application further, the Building Inspector shall notify any adjacent downstream communities, the Maine Department of Inland Fisheries and Wildlife and the Maine Bureau of Civil Emergency Preparedness, with copies of such notices to the Federal Emergency Management Agency, of the proposed action, and such alteration or relocation shall be permitted only in a manner which will assure that the existing capability of the watercourse to carry a 100-year flood is maintained.

**§ 350-6.12. Septic waste disposal.\***

- A. All plumbing shall be connected to public collection and treatment facilities when such facilities are available.
- B. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules), Town regulations and the following: **[Amended 7-14-2021]**
  - (1) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than 75 feet, horizontal distance, to the normal high-water line of a water body or the upland edge of a wetland; and
  - (2) A holding tank is not allowed for a first-time residential use in the Shoreland Zone.
 

Note: The State's Rules require that the minimum setback for new subsurface sewage disposal systems shall be no less than 100 horizontal feet from the normal high-water line of a great pond. **[Amended 7-14-2021]**
- C. Where daily sewage flow exceeds 2,000 gallons, the minimum setback for new subsurface sewage disposal systems shall be 300 feet from the normal high-water line of a great pond. **[Amended 7-14-2021]**
- D. The minimum setback distances from water bodies for all new subsurface sewage disposal systems shall not be reduced by variance.

- E. Privies shall not be permitted in the Resource Protection, Stream Protection, Limited Residential/Recreation I and Limited Residential/Recreation II Districts. **[Amended 7-14-2021]**
- F. All development or construction within 250 horizontal feet of the normal high-water line of a great pond shall meet the requirements of the Portland Water District Wastewater Disposal System Permit Protocol. These regulations are to be enforced by the Town of Raymond. **[Amended 7-14-2021]**

**§ 350-6.13. Essential services.**

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

**§ 350-6.14. Mineral exploration and extraction.\***

- A. Mineral exploration within 250 feet of the normal high-water line of a lake, pond, stream, or other water body, or upland edge of a wetland to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety.
- B. Mineral extraction may be permitted under the following conditions:
  - (1) A conditional use permit for mineral extraction in locations where permitted under the terms of the Raymond Land Use Ordinance must be obtained from the Board of Appeals in accordance with the provisions of said ordinance,<sup>5</sup> and provided that plans for the requested mineral extraction shall be specifically illustrated in the application for the conditional use.
  - (2) A reclamation plan shall be filed with, and approved by, the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Subsection B(4) below.

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5. Editor's Note: See Ch. 300, Land Use.

- (3) The plan review by the Planning Board and the Board of Appeals shall take into consideration the standards contained in this section and in Article 9, § 300-9.5, of the Raymond Land Use Ordinance.
- (4) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within 100 feet, horizontal distance, of the normal high-water line of any other water body, tributary stream or the upland edge of a wetland.
- (5) Extraction operations shall be at least 75 feet between the edge of the digging or quarrying activities and any property line. Extraction operations shall not be permitted within 100 feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
- (6) The operation shall be shielded from surrounding property with adequate screening and shall create no disturbance of a water source. Appropriate fencing or landscaping shall be provided to screen the site of digging operations from any public right-of-way and from any dwelling within 250 feet of the property lines of the excavation site.
- (7) Specific plans shall be established to avoid hazards from excessive slopes or standing water.
- (8) Dust or other air pollutants shall be kept to a minimum by appropriate landscaping, paving, oiling or fencing.
- (9) Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed inoperative when less than 1,000 cubic yards of materials are removed in any consecutive twelve-month period, ground levels and grades shall be established in accordance with the following:
  - (a) All debris, stumps and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - (b) The final graded slope shall be 2 1/2:1 slope or flatter.
  - (c) Sufficient topsoil or loam shall be retained to cover all disturbed land areas with a three-inch layer, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project. Such seeding and restoration shall be provided by the applicant.
- (10) In keeping with the purposes of these ordinance provisions, the Planning Board and Board of Appeals may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.



**§ 350-6.15. Agriculture.**

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

**§ 350-6.16. Beach construction.**

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

**§ 350-6.17. Timber harvesting: statewide standards.**

[Effective on effective date established in § 350-1.4B.]

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

and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

- B. Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. This Subsection B does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
- (1) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil may be left in place, provided that no part thereof extends more than four feet above the ground.
  - (2) Adjacent to great ponds, rivers and wetlands:
    - (a) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
    - (b) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than three inches in diameter must be disposed of in such a manner that no part thereof extends more than four feet above the ground.
- C. Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained.
- (1) This requirement may be satisfied by following one of the following three options:
    - (a) Option 1 (40% volume removal), as follows:
      - [1] Harvesting of no more than 40% of the total volume on each acre of trees 4.5 inches DBH or greater in any ten-year period is allowed. Volume may be considered to be equivalent to basal area;
      - [2] A well-distributed stand of trees which is windfirm, and other vegetation, including existing ground cover, must be maintained; and
      - [3] Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams and great ponds, and within 75 feet, horizontal distance, of the upland edge of a wetland, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.
    - (b) Option 2 (60 square foot basal area retention), as follows:

- [1] The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
  - [2] A well-distributed stand of trees which is windfirm, and other vegetation, including existing ground cover, must be maintained; and
  - [3] Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.
- (c) Option 3 (outcome based), which requires: An alternative method proposed in an application, signed by a licensed forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.
- (2) Landowners must designate on the Forest Operations Notification Form required by 12 M.R.S.A. Chapter 805, Subchapter 5, which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.
  - (3) The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.
- D. Skid trails, yards and equipment operation. This requirement applies to the construction, maintenance and use of skid trails and yards in shoreland areas.
- (1) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
  - (2) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream or wetland. Upon termination of their use, skid trails and yards must be stabilized.
  - (3) Setbacks.

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- (a) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream or wetland. On slopes of 10% or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5% increase in slope above 10%. Where slopes fall away from the resource, no increase in the twenty-five-foot setback is required.
  - (b) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- E. Land management roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels and wetlands, ditches and other related structures, must be designed, constructed and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Subsection G of this rule.
- (1) Land management roads and associated ditches, excavation and fill must be set back at least:
    - (a) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or wetland;
    - (b) 50 feet, horizontal distance, from the normal high-water line of streams; and
    - (c) 25 feet, horizontal distance, from the normal high-water line of tributary streams.
  - (2) The minimum 100-foot setback specified in Subsection E(1)(a) above may be reduced to no less than 50 feet, horizontal distance, and the 50-foot setback specified in Subsection E(1)(b) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (3) On slopes of 10% or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5% increase in slope above 10%.
- (4) New land management roads are not allowed within the shoreland area along significant river segments as identified in 38 M.R.S.A. § 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the Shoreland Zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (5) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Subsection G. Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (6) Road closeout and discontinuance. Maintenance of the water control installations required in Subsection E(5) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (7) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of this § 350-6.17. Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
- (8) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Subsection E(1) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (9) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

- F. Crossings of water bodies. Crossings of rivers, streams and tributary streams must allow for fish passage at all times of the year, must not impound water and must allow for the maintenance of normal flows.
- (1) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the ten- and twenty-five-year-frequency water flows and thereby determining water crossing sizes as required in this § 350-6.17: The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
  - (2) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of this § 350-6.17. Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of this § 350-6.17.
  - (3) Other agency permits. Any timber harvesting and related activities involving the design, construction and maintenance of crossings on water bodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection or the U.S. Army Corps of Engineers.
  - (4) Any timber harvesting and related activities involving the design, construction and maintenance of crossings of wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
  - (5) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
    - (a) A map showing the location of all proposed permanent crossings;
    - (b) The GPS location of all proposed permanent crossings;
    - (c) For any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
    - (d) A statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained and closed out in accordance with the requirements of this section.
  - (6) Water crossing standards.
    - (a) All crossings of rivers require a bridge or culvert sized according to the requirements of Subsection F(7) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts, provided:

- [1] Concentrated water runoff does not enter the stream or tributary stream;
  - [2] Sedimentation of surface waters is reasonably avoided;
  - [3] There is no substantial disturbance of the bank, or stream or tributary stream channel;
  - [4] Fish passage is not impeded; and
  - [5] Water flow is not unreasonably impeded.
- (b) Subject to Subsection F(6)(a)[1] through [5] above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.
- (7) Bridge and culvert sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
- (a) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate twenty-five-year-frequency water flows or with a cross-sectional area at least equal to three times the cross-sectional area of the river, stream or tributary stream channel.
  - (b) Temporary bridge and culvert sizes may be smaller than provided in Subsection F(7)(a)[1] if techniques are effectively employed such that, in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of or all of the following:
    - [1] Use of temporary skidder bridges;
    - [2] Removing culverts prior to the onset of frozen ground conditions;
    - [3] Using water bars in conjunction with culverts;
    - [4] Using road dips in conjunction with culverts.
  - (c) Culverts utilized in river, stream and tributary stream crossings must:
    - [1] Be installed at or below river, stream or tributary stream bed elevation;
    - [2] Be seated on firm ground;
    - [3] Have soil compacted at least halfway up the side of the culvert;
    - [4] Be covered by soil to a minimum depth of one foot or according to the culvert manufacturer's specifications, whichever is greater; and

- [5] Have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.
- (d) River, stream and tributary stream crossings allowed under this § 350-6.17, but located in flood hazard areas (i.e., A zones) as identified on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
- (e) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections, provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water and the disturbance of stream banks, stream channels, shorelines and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water or the disturbance of stream banks, stream channels, shorelines and soil lying within ponds and wetlands occurs, such conditions must be corrected.
- (8) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a forest operations notification, whichever is earlier, the following requirements apply:
- (a) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Subsection F(9) below.
- (b) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
- (c) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (9) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
- (a) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.



- (b) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
- (c) Discontinued roads.
  - [1] Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
    - [a] It shall be designed to provide an opening sufficient in size and structure to accommodate twenty-five-year-frequency water flows;
    - [b] It shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
    - [c] It shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.
  - [2] If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

G. Slope table. Filter strips, skid trail setbacks and land management road setbacks must be maintained as specified in this § 350-6.17, but in no case shall be less than shown in the following table.

Average Slope of Land Between Exposed Mineral soil and Shoreline	Width of Strip Between Exposed Mineral Soil and Shoreline (feet along surface of ground)
0	25
10%	45
20%	65
30%	85
40%	105
50%	125
60%	145
70%	165

H. Definitions. Unless otherwise provided herein, this § 350-6.17 incorporates by reference the definitions contained in the Maine Forest Service Rules, Chapter 20, Forest Regeneration and Clearcutting Standards, and Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas.

**§ 350-6.18. Clearing or removal of vegetation for activities other than timber harvesting.**

- A. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 100 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in § 350-6.19. Elsewhere in any Resource Protection District, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.
- B. Except in areas as described in Subsection A above, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, or within a strip extending 100 feet, horizontal distance, from any other water body, tributary stream or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
  - (1) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline, provided that a cleared line of sight to the water through the buffer strip is not created.
  - (2) Selective cutting of trees within the buffer strip is allowed, provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond shall be defined as maintaining a rating score of 24 or more in each twenty-five-foot by fifty-foot rectangular (1,250 square feet) area as determined by the following rating system:

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

- (a) Adjacent to other water bodies, tributary streams and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per twenty-five-foot by fifty-foot rectangular area. Notwithstanding the above provisions, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten-year period.
- (b) The following shall govern in applying this point system:
  - [1] The twenty-five-foot by fifty-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

- [2] Each successive plot must be adjacent to but not overlap a previous plot;
  - [3] Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this chapter;
  - [4] Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this chapter;
  - [5] Where conditions permit, no more than 50% of the points on any twenty-five-foot by fifty-foot rectangular area may consist of trees greater than 12 inches in diameter.
- (c) For the purposes of Subsection B(2), "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at 4 1/2 feet above ground level for each twenty-five-foot by fifty-foot rectangular area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.
- (3) In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and forest duff layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in Subsection B and B(1) above.
  - (4) Pruning of tree branches on the bottom 1/3 of the tree is allowed.
  - (5) In order to maintain a buffer strip of vegetation, when the removal of dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with § 350-6.19 below, unless existing new tree growth is present. A determination about the condition of any such dead or hazard trees shall be made by a certified forester or the CEO, prior to the removal of said trees.
  - (6) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Subsection B.
  - (7) Subsection B above does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.
- C. At distances greater than 100 feet, horizontal distance, from the normal high-water line of any lake, pond, river flowing to a great pond, and any other water body, tributary stream or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40% of the volume of trees 4 1/2 inches or more in diameter, measured 4 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal

area. In no event shall cleared openings for any purpose, including, but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed, in the aggregate, 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously developed or cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area.

- D. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged or have chemicals applied, except as allowed by these ordinance provisions.
- E. Fields, and other cleared openings which have reverted primarily to shrubs, trees or other woody vegetation, shall be regulated under the provisions of this § 350-6.18.

**§ 350-6.19. Hazard trees, storm-damaged trees and dead tree removal.**

- A. Hazard trees in the Shoreland Zone may be removed without a permit after consultation with the CEO if the following requirements are met:
  - (1) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four feet in height, and be no less than two inches in diameter. Stumps may not be removed.
  - (2) Outside of the shoreline buffer, when the removal of hazard trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above ground level in any ten-year period, and/or results in cleared openings exceeding 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4.5 feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two inches in diameter, measured at 4.5 feet above the ground level.
  - (3) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision, dead trees are those that contain no foliage during the growing season.
  - (4) The CEO may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - (5) The CEO may require more than one-for-one replacement for hazard trees removed that exceed eight inches in diameter measured at 4.5 feet above the ground level.

- B. Storm-damaged trees in the Shoreland Zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (1) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
    - (a) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
    - (b) Stumps from the storm-damaged trees may not be removed;
    - (c) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom 1/3 of the tree; and
    - (d) If, after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per 80 square feet of lost canopy.
  - (2) Outside of the shoreline buffer, if the removal of storm-damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4.5 feet above the ground level in any ten-year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the Shoreland Zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

**§ 350-6.20. Exemptions to clearing and vegetation removal requirements.**

The following activities are exempt from the clearing and vegetation removal standards set forth in § 350-6.18, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- A. The removal of vegetation that occurs at least once every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of § 350-6.17 apply;
- B. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of § 350-6.3 are not applicable;
- C. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- D. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of § 350-6.15 are complied with;

- E. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects, provided that the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A. § 343-E, and that is located along:
- (1) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A. § 465-A.
- F. The removal of nonnative, invasive vegetation species, provided the following minimum requirements are met:
- (1) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least 25 feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - (2) Removal of vegetation within 25 feet, horizontal distance, from the shoreline occurs via hand tools; and
  - (3) If applicable clearing and vegetation removal standards are exceeded due to the removal of nonnative invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- G. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard and their agents.

**§ 350-6.21. Revegetation requirements.**

When revegetation is required in response to violations of the vegetation standards set forth in § 350-6.17, to address the removal of nonnative invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

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

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

- (2) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four-inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
- (3) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for a minimum of five years.

**§ 350-6.22. Erosion and sedimentation control.**

- A. Filling, grading, lagooning, dredging, earth moving and other land use activities shall be conducted in such a manner as to prevent erosion and sedimentation of surface waters to the maximum extent practical. All activities which result in unstabilized soil conditions and which require a permit shall be developed in accordance with an erosion and sedimentation control plan prepared in conformance with the requirements of Maine Erosion Control BMPS, Bureau of Land and Water Quality Maine Department of Environmental Protection, March 2003, and subsequent revisions thereof.
- B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine months of the initial date of exposure. In addition:
  - (1) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
  - (2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - (3) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
  - (4) Additional winter construction requirements as prescribed by Maine Erosion and Sediment Control Best Management Practices, latest revision, prepared by the Maine Department of Environmental Protection, shall be adhered to as appropriate.
- E. Natural and man-made drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and



constructed in order to carry water from a twenty-five-year storm or greater, and shall be stabilized with vegetation or lined with riprap.

**§ 350-6.23. Soils.\***

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

**§ 350-6.24. Water quality.\***

No activity shall store, deposit on or into the ground, discharge or permit the discharge into the waters of the state of any treated, untreated or inadequately treated liquid, gaseous, solid material or pollutant of such nature, quantity, obnoxiousness, toxicity or temperature such that, by itself or in combination with other activities or substances, it will run off, seep, percolate or wash into surface or ground waters so as to contaminate, pollute, harm or impair designated uses or the water classification of such water bodies, tributary stream or wetland, or cause nuisance, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

**§ 350-6.25. Archaeological sites.**

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

**§ 350-6.26. Public boat launch facility and associated parking areas.**

- A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- B. The public boat launching facility shall be located so as to minimize adverse effects on fisheries.

- C. Boat launch width shall be minimized to the greatest extent possible, and the applicant shall provide evidence or information supporting the design width. This provision is not intended to prohibit multiple launching ramps at a single facility.
- D. Applicants for the construction of a public boat launching facility and associated structures shall obtain all necessary permits from the Maine Department of Environmental Protection (Maine DEP).
- E. One public boat launching facility shall be allowed at any great pond. Planning Board approval is required for any applications proposing a second launch to any great pond. The Planning Board shall also be responsible for determining the appropriate separation between a proposed public boat launching facility and any existing boat launch facilities.
- F. The site plan design shall include a signage plan for the posting of rules and regulations regarding usage, invasive species, circulation of vehicles and parking on the site.
- G. The design shall include a boat launch inspection and cleaning area designed for inspecting and cleaning of watercraft and trailers, and include facilities for the proper disposal of aquatic invasive species.
- H. The owner of the facility shall provide a maintenance and operations plan subject to review annually by the CEO.
- I. The public boat launching facility shall include sanitary facilities and trash receptacles.
- J. Public boat launching facilities shall be designed to provide adequate security or public visibility to access and ramp areas to discourage loitering, trespassing or vagrancy of individuals, or groups, and ensure safety of the site following normal hours of usage.
- K. No routine maintenance or repairs of watercraft shall be allowed at the boat launch facilities.
- L. The boat launch access entrance from any road having regular vehicular traffic shall be designed to address safe sight distance and promote safe traffic and pedestrian movements.
- M. The property shall maintain at least a twenty-five-foot natural buffer strip of vegetation from any adjacent residentially zoned properties. When a natural buffer strip of vegetation does not exist, a landscaped buffer strip shall be planted with approval of a planting plan by the Planning Board.
- N. The boat launch ramp shall be constructed of a low permeable inert material such as, but not limited to, concrete, asphalt or other solid construction material to discourage soil erosion or vehicle tracking. Materials shall be installed that will not degrade water quality, will promote protection from erosion or sedimentation and will not leach, weep or cause contamination from preservatives, treatments or other chemical pollutants due to their composition or by applied treatments placed on their surfaces. Gravel, crushed stone or other compacted soil aggregate materials shall not be used for construction of the portion of the launch ramp subject to contact by a towing vehicle, trailer or other device to transport watercraft to and from the access road the ramp's lowest submerged depth.

## ARTICLE 7

**Administration****§ 350-7.1. Administering bodies and agents.**

- A. Code Enforcement Officer. The Code Enforcement Officer shall be appointed or reappointed annually by July 1.
- B. Board of Appeals. The Board of Appeals shall be maintained in accordance with the provisions of 30-A M.R.S.A. § 2691.
- C. Planning Board. The Planning Board shall be maintained in accordance with the provisions of state law.

**§ 350-7.2. Permits required.**

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

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

**§ 350-7.3. Permit application.**

- A. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Article 5.
- B. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- C. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- D. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

- E. When an excavation contractor will perform an activity that requires or results in more than one cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

**§ 350-7.4. Procedure for administering permits.**

- A. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Article 5, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of these ordinance provisions.
- B. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of these ordinance provisions.
- C. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding, based on the information presented, that the proposed use:
- (1) Will maintain safe and healthful conditions.
  - (2) Will not result in water pollution, erosion or sedimentation to surface waters.
  - (3) Will adequately provide for the disposal of all wastewater.
  - (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
  - (5) Will conserve shore cover and visual, as well as actual, points of access to inland waters.
  - (6) Will protect archaeological and historic resources as designated in the Comprehensive Plan.

- (7) Will not adversely affect existing commercial fishing or maritime activities in a commercial fisheries/maritime activities district.
  - (8) Will avoid problems associated with floodplain development and use.
  - (9) Is in conformance with the provisions of Article 6, Land Use Standards.
- D. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality.

#### **§ 350-7.5. Expiration of permit.**

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

#### **§ 350-7.6. Installation of public utility service.**

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

#### **§ 350-7.7. Appeals.**

Appeals from decisions under the shoreland zoning provisions and variances from the shoreland zoning provisions are governed by the appeals and variance procedures contained in the shoreland zoning provisions and are not governed by Article 6 of the Land Use Ordinance.<sup>6</sup>

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

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<sup>6</sup> Editor's Note: See Ch. 300, Land Use.

- (3) The Board of Appeals shall not have the authority to review decisions of the Planning Board. Decisions by the Planning Board shall be appealed directly to the Superior Court.
- B. Variance appeals. Except as provided in Subsection B(6) below, variances may be granted only under the following conditions: **[Amended 7-14-2021; 6-14-2022]**
- (1) Variances may be granted only from dimensional requirements, including, but not limited to, lot width, structure height, percent of lot coverage and setback requirements.
- (2) Variances shall not be granted for the establishment of any uses otherwise prohibited by these ordinance provisions.
- (3) The Board shall not grant a variance unless it finds that:
- (a) The proposed structure or use would meet the provisions of Article 6 after for the specific provision which has created the nonconformity and from which relief is sought; and
- (b) The strict application of the terms of these ordinance provisions would result in undue hardship. The term "undue hardship" shall mean:
- [1] That the land in question cannot yield a reasonable return unless a variance is granted;
- [2] That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- [3] That the granting of a variance will not alter the essential character of the locality; and
- [4] That the hardship is not the result of action taken by the applicant or a prior owner.
- (4) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of these ordinance provisions to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (5) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least 20 days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- (6) To grant a setback variance for a single-family dwelling only when strict application of the shoreland zoning provisions to the applicant and the applicant's property would cause undue hardship.
- (a) The term "undue hardship" as used in this subsection means:

- [1] The need for a 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] The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
- (b) This variance is strictly limited to permitting a variance from a setback requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.
- (7) The Code Enforcement Officer may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railings, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Subsections B(5) and C(2)(f).

C. Appeal procedure.

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

- [2] A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (c) Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (d) The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
- (2) Decision by Board of Appeals.
- (a) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (b) When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At that time, the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.
- (c) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under these ordinance provisions or to effect any variation in the application of these ordinance provisions from its stated terms.
- (d) The person filing the appeal shall have the burden of proof.
- (e) The Board shall decide all appeals within 35 days after the close of the hearing and shall issue a written decision on all appeals.
- (f) 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 therefor, and the appropriate order, relief or denial thereof. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven days of the Board's decision.
- D. Appeal to Superior Court. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of the vote on the original decision.
- E. Reconsideration. The Board of Appeals may reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date



of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

**§ 350-7.8. Enforcement.**

- A. Nuisances. Any violation of these ordinance provisions shall be deemed to be a nuisance.
- B. Code Enforcement Officer.
- (1) It shall be the duty of the Code Enforcement Officer to enforce the provisions of these ordinance provisions. If the Code Enforcement Officer shall find that any provision of these ordinance provisions is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
  - (2) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of these ordinance provisions.
  - (3) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On a biennial basis beginning in 1992, a summary of this record shall be submitted by March 1 to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
- C. Legal actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of these ordinance provisions in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of these ordinance provisions and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

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

## ARTICLE 8

### Definitions

#### § 350-8.1. Word usage and interpretation.

- A. 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."
- B. Except as specifically defined herein, all words in these shoreland zoning provisions shall carry their customary dictionary meanings, unless specifically defined in these shoreland zoning provisions or in other provisions of the Raymond Land Use Ordinance.<sup>7</sup> If there are conflicting definitions in these shoreland zoning provisions and in other provisions of the Raymond Land Use Ordinance, the definition in these shoreland zoning provisions shall be used when defining terms in the shoreland zoning provisions. When defining terms in other provisions of the Land Use Ordinance, the definitions in these shoreland zoning provisions shall not apply.

#### § 350-8.2. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY APARTMENT** — A separate dwelling unit of no more than 700 square feet, either attached or detached and located on the same parcel with a single-family dwelling. The apartment shall contain a kitchen and bathroom which are separate from and not used in common with the principal dwelling unit.

**ACCESSORY STRUCTURE** — See "structure." **[Added 6-14-2022]**

**ACCESSORY USE** — A use which is incidental and subordinate to the principal use. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. **[Amended 6-14-2022]**

**AGGRIEVED PARTY** — An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this chapter; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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7. Editor's Note: See Ch. 300, Land Use.

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

**AQUACULTURE** — The growing or propagation of harvestable freshwater, estuarine or marine plant or animal species.

**BASAL AREA** — The area of cross-section of a tree stem at 4 1/2 feet above ground level, and inclusive of bark.

**BASEMENT** — Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

**BOAT LAUNCHING FACILITY** — A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area and parking spaces for vehicles and trailers.

**BOAT TRAILER** — A vehicle designed to transport boats and other water-related recreational apparatus.

**BUILDING** — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattel. See also "structure." **[Added 6-14-2022]**

**BUREAU OF FORESTRY** — State of Maine Department of Agriculture, Conservation and Forestry's Bureau of Forestry.

**CAMPGROUND** — Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to, tents, recreational vehicles or other shelters.

**CANOPY** — The more or less continuous cover formed by tree crowns in a wooded area.

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

**CORNER LOT** — A lot situated at the intersection of two streets/roads. **[Added 6-14-2022]**

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

**CUPOLA** — A nonhabitable building feature mounted on a building roof for observation purposes, with a floor area of 53 square feet or less, and which does not increase the existing height of the structure by more than seven feet.

DBH — The diameter of a standing tree measured 4.5 feet from ground level.

DEVELOPMENT — A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

DIMENSIONAL REQUIREMENTS — Numerical standards relating to spatial relationships, including but not limited to setback, lot area, shore frontage and height.

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

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

DRIVEWAY — Access route or right-of-way to any single-family dwelling, duplex or multifamily building if so allowed in a zone, except where such buildings are developed as part of a larger subdivision. For other allowed nonresidential uses, the term shall mean any primary access route used for vehicular ingress, or egress from a location off a public or private right-of-way. All nonresidential and multifamily dwelling driveways shall conform to the applicable design requirements as provided in Chapter 300, Land Use, Article 10, Site Plan Review, § 300-10.6, Performance standards.

DWELLING UNIT — One or more habitable rooms designed, intended or used for living quarters by one or more persons living together as a family, with living, sleeping, sanitary and cooking facilities, including within the meaning of "cooking facilities" a stove, hot plate, microwave oven or other device for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

- A. PERMANENT OR YEAR-ROUND — A dwelling unit so constructed as to be suitable for occupancy 365 days of the year.
- B. SEASONAL — A dwelling unit so constructed as to be suitable for occupancy during the warmer months of the year only.

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

ESSENTIAL SERVICES — Gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms

and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**EXCAVATION CONTRACTOR** — An individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

**EXPANSION OF A STRUCTURE** — An increase in footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**EXPANSION OF USE** — The addition of one or more months to a use's operating season; or the use of more footprint or ground area devoted to a particular use.

**FAMILY** — One or more persons occupying a premises and living as a single housekeeping unit.

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

**FLOOR AREA** — The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

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

**FOREST MANAGEMENT ACTIVITIES** — Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**FOREST STAND** — A contiguous group of trees sufficiently uniform in age class distribution, composition and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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

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

public access to inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**GREAT POND** — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres; except, for the purposes of this chapter, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**GREAT POND CLASSIFIED GPA** — Any great pond classified GPA, pursuant to 38 M.R.S.A. § 465-A. This classification includes some, but not all, impoundments of rivers that are defined as great ponds.

**GROUND COVER** — Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

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

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

**HOME OCCUPATION** — An occupation or profession which is customarily conducted on or in a residential structure or property and which:

- A. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
- B. Employs no more than two persons other than family members residing in the home.

**INCREASE IN NONCONFORMITY OF A STRUCTURE** — Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity, such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands or tributary streams if the expansion extends no further into the required setback area than does any portion of the

existing nonconforming structure. Hence, a structure may be expanded laterally, provided that the expansion extends no closer to the water body, tributary stream or wetland than the closest portion of the existing structure from that water body, tributary stream or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**INDUSTRIAL** — The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**INSTITUTIONAL** — A nonprofit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

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

**LICENSED FORESTER** — A forester licensed under 32 M.R.S.A. Chapter 76.

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

**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 ends of the front lot line; or in the case of a back lot, the frontage shall be measured as described in the definition of "back lot driveway" and in Chapter 300, Land Use, Article 9, § 300-9.20C. The 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." For corner lots, or lots abutting a street/road on two or more sides, the front of the lot shall be the property line on the street/road for which the lot will have its driveway or access. **[Added 6-14-2022]**

**MANUFACTURED HOUSING** —

- A. 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.
- B. For the purpose of this section, one type of manufactured housing is allowed in the shoreland zoning, which shall be those units commonly called "modular homes," or Type 2 manufactured homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 975, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

**MARINA** — A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and

construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

**MARKET VALUE** — The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**MINERAL EXPLORATION** — Hand sampling, test boring or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**MINERAL EXTRACTION** — Any operation within any twelve-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and to transport the product removed, away from the extraction site.

**MINIMUM LOT WIDTH** — The closest distance between the side lot lines of a lot. When only two lot lines extend into the Shoreland Zone, both lot lines shall be considered to be side lot lines.

**MULTI-UNIT RESIDENTIAL** — A residential structure containing three or more residential dwelling units.

**NATIVE** — Indigenous to the local forests.

**NONCONFORMING CONDITION** — A nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this chapter or a subsequent amendment took effect.

**NONCONFORMING LOT** — A single lot of record which, at the effective date of adoption or amendment of this chapter, does not meet the area, frontage or width requirements of the district in which it is located.

**NONCONFORMING STRUCTURE** — A structure which does not meet any one or more of the following dimensional requirements: setback, height, footprint or lot coverage; but which is allowed solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

**NONCONFORMING USE** — Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this chapter or subsequent amendments took effect.

**NONNATIVE INVASIVE SPECIES OF VEGETATION** — Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

**NORMAL HIGH-WATER LINE** — That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support nonforested wetland vegetation and hydric soils and that are at the same or lower elevation as the water



level of the river or great pond during the period of normal high water are considered part of the river or great pond.

**OUTDOOR STORAGE** — The commercial keeping or storage of goods, materials, motorized vehicles, boats/water recreational vessels/vehicles, trailers, temporary structures and any other equipment associated with the principal use of a building outside permanently or seasonally, for a fee. **[Added 6-14-2022]**

**PARKING DEFINITIONS** —

- A. **PARKING AREA** — An outdoor storage area for motor vehicles that is not located on a street right-of-way.
- B. **OFF-SITE PARKING LOT** — An outdoor storage area for motor vehicles that is located on a parcel or lot owned by a person or entity that is the same as the owner or lessor of the parcel or lot upon which the permitted use associated with the parking is located.
- C. **OFF-SITE PARKING SPACE** — A parking space within a parking area that is located on a parcel or lot owned by a person or entity other than the owner or lessor of the parcel or lot upon which the permitted use associated with the parking space is located.

**PERSON** — An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest or other legal entity.

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

**PIERS, DOCKS, WHARVES, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OR WITHIN A WETLAND** —

- A. **TEMPORARY** — Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.
- B. **PERMANENT** — Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

**PRINCIPAL STRUCTURE** — See "structure." **[Amended 6-14-2022]**

**PRINCIPAL USE** — A use other than one which is wholly incidental or accessory to another use on the same lot.

**PUBLIC BOAT LAUNCHING FACILITY** — Any facility made accessible for use by the general public and owned or operated by the Town of Raymond or the State of Maine, and designed for the launching and landing of watercraft. The facility may include an access ramp, docking area and parking spaces designed to accommodate vehicles and trailers.

**PUBLIC FACILITY** — Any facility, including, but not limited to, buildings, property, recreation areas and roads, which is owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**RECENT FLOODPLAIN SOILS** — Recent floodplain soils include the following soil series as described and identified by the National Cooperative Soil Survey: alluvial; Cornish; Charles; Fryeburg; Hadley; Limerick; Lovewell; Medomak; Ondawa; Podunk; Rumney; Saco; Suncook; Sunday; Winooski.

**RECREATIONAL FACILITY** — A place designed and equipped for the conduct of sports, leisure-time activities and other customary and usual recreational activities, excluding boat launching facilities.

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

**REPLACEMENT SYSTEM** — A system intended to replace:

- A. An existing system which is either malfunctioning or being upgraded, with no significant change of design flow or use of the structure; or
- B. Any existing overboard wastewater discharge.

**RESIDUAL BASAL AREA** — The average of the basal area of trees remaining on a harvested site.

**RESIDUAL STAND** — A stand of trees remaining in the forest following timber harvesting and related activities.

**RIPRAP** — Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

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

**ROAD** — A term commonly used to describe 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. The term shall also include undedicated roads that are described in a recorded document. The term "road" shall not include those ways that have been discontinued or abandoned. For the purposes of the Town of Raymond Shoreland Zoning Ordinances, a road must comply with the standards set forth under the definition of "street" to be utilized for acceptable lot frontage or street front. **[Amended 7-14-2021]**

**SAPLING** — A tree species that is less than two inches in diameter at 4.5 feet above ground level.

**SECONDARY ACCESS** — Access routes, paths or ways whose function is to serve a permitted use on a lot for the purpose of emergency response, or maintenance service, or any

other nonprimary function to serve the lot. Such secondary access shall not meet the requirements or definition of a "driveway."

**SEEDLING** — A young tree species that is less than 4.5 feet in height above ground level.

**SERVICE DROP** — Any utility line extension which does not cross or run beneath any portion of a water body, provided that:

- A. In the case of electric service:
  - (1) The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - (2) The total length of the extension is less than 1,000 feet.
- B. In the case of telephone service:
  - (1) The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
  - (2) The extension requiring the installation of new utility poles or placement underground is less than 1,000 feet in length.

**SETBACK** — A line that is a required minimum distance from any lot line or right-of-way line that establishes the area within which principal and accessory buildings or structures must be erected or placed. Setbacks are measured from the nearest horizontal distance from lot lines, right-of-way lines, the normal high-water line of a water body or tributary stream, and the upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. **[Amended 6-14-2022]**

**SETBACK, FRONT** — A line that is a required minimum distance from any front lot line or right-of-way line used as lot frontage and the nearest part of a structure, or other regulated object or area. For corner lots, the front setback shall apply to any lot line abutting a street or road. **[Added 6-14-2022]**

**SHORE FRONTAGE** — The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**SHORELAND BUFFER STRIP** — A preserved vegetative strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond or river flowing to a great pond or within a strip extending 100 feet, horizontal distance, from any other water body, tributary stream or the upland edge of a wetland.

**SHORELAND ZONE** — The land area located within 600 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; within 100 feet, horizontal distance, of the normal high-water line of a stream; or within an area designated on the Official Raymond Land Use Map as a Resource Protection, Stream Protection, Limited Residential/Recreation I or Limited Residential/Recreation II District.

**SHORELINE** — The normal high-water line, or upland edge of a wetland.

**SKID ROAD or SKID TRAIL** — A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**SLASH** — The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**SOLAR ENERGY SYSTEM** — A device or structural design feature principally used to capture solar energy and convert it to electrical or thermal power. A solar energy system consists of one or more freestanding ground-mounted, or building-mounted, solar arrays or modules, or solar-related equipment. **[Added 6-14-2022]**

**SOLAR ENERGY SYSTEM, BUILDING-MOUNTED** — A solar energy system that is mounted to the roof or sides of a building. **[Added 6-14-2022]**

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED** — A solar energy system that is structurally mounted to the ground and is not attached to a permitted building. **[Added 6-14-2022]**

**STORM-DAMAGED TREE** — A tree that has been uprooted, blown down, is lying on the ground or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**STREAM** —

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

(1) **OUTLET STREAM** — Any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

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

**STREET** — A public way which affords the principal means of access to abutting properties, or a proposed way that is intended to be accepted by the Town as a public way in accordance with the Town of Raymond Street Ordinance, or a private street as defined in this chapter.

The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets," etc. **[Added 7-14-2021]**

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

**STRUCTURE — [Amended 6-14-2022]**

- A. Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of vegetation, boundary walls four feet or less in height, fences, mailboxes, lampposts, birdhouses, doghouses, tree houses designed for children's use, bus shelters, subsurface wastewater disposal systems as defined in 30-A M.R.S.A. § 4201, Subsection 5, geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E, Subsection 3-C, wells or water wells as defined in 32 M.R.S.A. § 4700-E, Subsection 8, or other similar construction. The term includes but is not limited to structures temporarily or permanently located, such as decks, carports, satellite dishes, communications systems, ground-mounted solar energy systems, antennas, pools, etc. Utility poles, wiring, and the aerial equipment normally associated with service drops, including guy wires and guy anchors, shall not be considered structures; however, they must meet the minimum required setbacks from the high-water mark of any pond, lake, stream or river.
- B. 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. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
  - (3) Temporary piers, docks, wharves, breakwaters, causeways, marinas and uses projecting into water bodies. Structures that remain in the water for less than seven months in any period of 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.

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- (5) SINGLE-FAMILY DWELLING — A structure containing not more than one dwelling unit.
- (6) MULTIFAMILY DWELLING — A structure containing two or more dwelling units.
- (7) In the Shoreland Zone, retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the conditions of § 350-6.3G are met.

**SUBSTANTIAL START** — Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

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

**SUSTAINED SLOPE** — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**TIMBER HARVESTING** — The cutting and removal of timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the cutting or removal of vegetation within the Shoreland Zone when associated with any other land use activities. The cutting or removal of trees in the Shoreland Zone on a lot that has less than two acres within the Shoreland Zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to § 350-6.18, Clearing or removal of vegetation for activities other than timber harvesting.

**TIMBER HARVESTING AND RELATED ACTIVITIES** — Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**TINY HOME** — A structure that does not exceed 400 square feet, excluding lofts, that has one or more habitable rooms designed, intended or used for living quarters by one 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 devices for heating or cooking food. The term shall include manufactured houses and rental units that contain cooking, sleeping and toilet facilities regardless of the time period rented. Recreational vehicles are not to be used as a tiny home or dwelling unit. A tiny home must meet all of the minimum requirements of a dwelling unit. **[Added 7-14-2021]**

**TREE** — A woody perennial plant with a well-defined trunk(s) at least two inches in diameter at 4.5 feet above the ground, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

**NOTE:** Water setback requirements apply to tributary streams within the Shoreland Zone.

**UPLAND EDGE OF A WETLAND** — The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated

for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

**VEGETATION** — All live trees, shrubs and other plants, including, without limitation, trees both over and under four inches in diameter, measured at 4 1/2 feet above ground level.

**VOLUME OF A STRUCTURE** — The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**WATER BODY** — Any great pond, river or stream.

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

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

A. **FORESTED WETLAND** — A freshwater wetland dominated by woody vegetation that is six meters tall (approximately 20 feet) or taller.

B. **FRESHWATER WETLAND** —

- (1) Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:
  - (a) Of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
  - (b) Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.
- (2) Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**WINDFIRM** — The ability of a forest stand to withstand strong winds and resist windthrow, wind rocking and major breakage.

**WOODY VEGETATION** — Live trees or woody, nonherbaceous shrubs.





# **DISPOSITION LIST**



**Chapter DL**  
**DISPOSITION LIST**

**§ DL-1. Disposition of legislation.**

The following is a chronological listing of Town of Raymond zoning and shoreland zoning ordinance amendments adopted since the publication of the codified ordinances and included in Chapters 300 and 350. The last legislation reviewed for the original publication of the codified ordinances was adopted at the June 14, 2022, Annual Town Meeting.

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**§ DL-1. Disposition of legislation.**

Adoption Date	Subject	Disposition	Supp. No.



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